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Item 2 of the provisional agenda

ANNOTATIONS TO THE PROVISIONAL AGENDA

Prepared by the Secretary-General

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* This table of contents is based upon the draft provisional agenda for the fifty-eighth session as considered by the Commission at its fifty-seventh session (E/2001/23-E/CN.4/2001/167, chap. XXI (a)), with the addition of the indicative sub-headings found in the text of the annotations for ease of reference. The resolutions/decisions of the General Assembly of relevance to the work of the Commission adopted at its fifty-sixth session will be listed in document E/CN.4/2002/1/Add.2.

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Item 1. Election of officers

1. Rule 15 of the rules of procedure of the functional commissions of the Economic and Social Council provides that "at the commencement of its first meeting of a regular session the Commission shall elect, from among the representatives of its members, a Chairman, one or more Vice-Chairmen and such other officers as may be required".

Item 2. Adoption of the agenda

2. Rule 7 of the rules of procedure provides that "the Commission shall at the beginning of each session, after the election of its officers, ... adopt the agenda for that session on the basis of the provisional agenda".

3. In its resolution 1998/84, the Commission decided to adopt the proposal for the restructuring of its agenda submitted by the Chairperson of the Commission at its fifty-fourth session, as contained in the annex to that resolution.

4. The Commission will have before it the provisional agenda (E/CN.4/2002/1) prepared by the Secretary-General in accordance with rule 5 of the rules of procedure, as well as the present annotations relating to the items included in the provisional agenda.

Item 3. Organization of the work of the session

5. At its fifty-seventh session, the Commission decided, in its decision 2001/117, that the fifty-eighth session of the Commission should be scheduled to take place from 18 March to 26 April 2002. The Economic and Social Council approved the recommendation in its decision 2001/286.

6. The attention of the Commission is drawn to the decisions it adopted at its fifty-seventh session concerning the organization of its work and the conduct of business, in particular those relating to speaking time and other arrangements (see E/2001/23-E/CN.4/2001/167, paras. 14-23).

7. Furthermore, the attention of the Commission is drawn to the relevant resolutions concerning control and limitation of documentation (inter alia, General Assembly resolutions 52/214 B, 53/208 B and 54/248 C). In this regard, it is also brought to the attention of the Commission that some documents prepared for the present session, in view of their length or late submission, cannot be issued in all official languages, the Conference Services Division of the United Nations Office at Geneva having insufficient capacity to translate documents that greatly exceed the page limits established by the General Assembly. Executive summaries of special procedures reports, if any, will, however, in all cases be translated into all the official languages.

8. The attention of the Commission is also drawn to Economic and Social Council decision 2001/287, in which the Council, taking note of Commission on Human Rights decision 2001/118, authorized, if possible from within existing financial resources, 35 fully

serviced additional meetings, including summary records, in accordance with rules 29 and 31 of the rules of procedure of the functional commissions of the Economic and Social Council, for the Commission's fifty-eighth session. The Council also approved the Commission's request to the Chairperson of the Commission at its fifty-eighth session to make every effort to organize the work of the session within the times normally allotted, so that the authorized meetings would be utilized only if they proved to be absolutely necessary.

9. In connection with the present item, the Commission will have before it a note by the secretariat containing statistics relating to the fifty-seventh session of the Commission on Human Rights (E/CN.4/2002/15). The Commission will also have before it a note by the secretariat concerning the main rules and practices followed by the Commission on Human Rights in the organization of its work and the conduct of business (E/CN.4/2002/16).

10. The attention of the Commission is also drawn to Economic and Social Council resolution 1990/48 of 25 May 1990 in which the Council authorized the Commission to meet exceptionally between its regular sessions, provided that a majority of States members of the Commission so agreed. In this connection, the Economic and Social Council adopted, on 28 July 1993, decision 1993/286 on the procedure for special sessions of the Commission on Human Rights. Up to the time of preparation of the present document, the Commission has held five special sessions, the last one from 17 to 19 October 2000.

Working groups

11. The session is preceded by meetings of the five inter-sessional and pre-sessional working groups referred to in E/CN.4/2002/1, paragraph 3 (a) to (e).

Composition of the Commission

12. The composition of the Commission for 2002 is the following. The term of membership of each State expires on 31 December of the year indicated in brackets.

> Algeria (2003), Argentina (2002), Armenia (2004), Austria (2004), Bahrain (2004), Belgium (2003), Brazil (2002), Burundi (2002), Cameroon (2003), Canada (2003), Chile (2004), China (2002), Costa Rica (2003), Croatia (2004), Cuba (2003), Czech Republic (2002), Democratic Republic of the Congo (2003), Ecuador (2002), France (2004), Germany (2002), Guatemala (2003), India (2003), Indonesia (2002), Italy (2002), Japan (2002), Kenya (2003), Libyan Arab Jamahiriya (2003), Malaysia (2003), Mexico (2004), Nigeria (2002), Pakistan (2004), Peru (2003), Poland (2003), Portugal (2002), Republic of Korea (2004), Russian Federation (2003), Saudi Arabia (2003), Senegal (2003), Sierra Leone (2004), South Africa (2003), Spain (2002), Sudan (2004), Swaziland (2002), Sweden (2004), Syrian Arab Republic (2003), Thailand (2003), Togo (2004), Uganda (2004), United Kingdom of Great Britain and Northern Ireland (2003), Uruguay (2003), Venezuela (2003), Viet Nam (2003), Zambia (2002).

Situation of human rights in Colombia

13. In the statement on the situation of human rights in Colombia, agreed on by consensus by the Commission, made by the Chairperson on 25 April 2001, the Commission, inter alia, requested the High Commissioner for Human Rights to submit to it at its next session a detailed report containing an analysis by her Office in Bogotá of the human rights situation in Colombia, in accordance with the provisions of the agreement between the Government of Colombia and the Office of the High Commissioner on the operation of the permanent office in Bogotá (see E/2001/23-E/CN.4/2001/167, para. 54). The Commission will have before it the report of the United Nations High Commissioner for Human Rights (E/CN.4/2002/17).

Other matters

14. The attention of the Commission is drawn to resolutions 2001/50, "Integrating the human rights of women throughout the United Nations systems", 2001/51, "The protection of human rights in the context of human immunodeficiency virus (HIV) and acquired immunodeficiency syndrome (AIDS)" and 2001/75, "Rights of the child", in which the Commission requested all special procedures and mechanisms regularly and systematically to integrate these subjects into their mandates. These requests were approved by the Economic and Social Council in its decisions 2001/167, 2001/268 and 2001/274, respectively (see also paras. 137, 162 and 140 below).

Item 4. Report of the United Nations High Commissioner for Human Rights and follow-up to the World Conference on Human Rights

15. The General Assembly in its resolution 48/141 of 20 December 1993 decided to create the post of the United Nations High Commissioner for Human Rights and, inter alia, requested the High Commissioner to report annually on her activities, in accordance with her mandate, to the Commission on Human Rights and, through the Economic and Social Council, to the General Assembly. The Commission will have before it the annual report of the High Commissioner (E/CN.4/2002/18) (see also para. 153 below).

16. In connection with the present item and with item 18 of the provisional agenda, the attention of the Commission is drawn to a note by the High Commissioner transmitting the report of the meeting of special rapporteurs/representatives, experts and chairpersons of working groups of the special procedures of the Commission on Human Rights and of the advisory services programme, held in Geneva from 18 to 22 June 2001 (E/CN.4/2002/14) (see also para. 218 below).

Item 5. The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation

Situation in occupied Palestine

17. In its resolution 2001/2, the Commission requested the Secretary-General to transmit the resolution to the Government of Israel and to all other Governments, to disseminate it on the widest possible scale and to make available to the Commission on Human Rights, prior to the

convening of its fifty-eighth session, all information pertaining to the implementation of that resolution by the Government of Israel. It also decided to consider the situation in occupied Palestine under the present item as a matter of high priority. The Commission will have before it the report of the Secretary-General (E/CN.4/2002/19).

The use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination

18. At its forty-third session, the Commission, in resolution 1987/16, decided to appoint for one year a special rapporteur to examine the question of the use of mercenaries as a means of violating human rights and of impeding the exercise of the right of peoples to self-determination. Subsequently, Mr. Enrique Bernales Ballesteros (Peru) was appointed as Special Rapporteur of the Commission. In its resolution 2001/3, the Commission decided to renew for a period of three years the mandate of the Special Rapporteur. The Economic and Social Council endorsed that decision in its decision 2001/244. In its resolution the Commission requested the Special Rapporteur to report, with specific recommendations, his findings on the use of mercenaries to undermine the right to self-determination to the Commission at its fifty-eighth session. The Commission will have before it the report of the Special Rapporteur (E/CN.4/2002/20).

Item 6. Racism, racial discrimination, xenophobia and all forms of discrimination

Combating defamation of religions as a means to promote human rights, social harmony and religious and cultural diversity

19. In its resolution 2001/4, the Commission requested the High Commissioner to report to the Commission at its fifty-eighth session on the implementation of the resolution. The Commission will have before it the report of the High Commissioner (E/CN.4/2002/23).

Racism, racial discrimination, xenophobia and all forms of discrimination

20. In its resolution 52/111, the General Assembly decided to convene a world conference against racism, racial discrimination, xenophobia and related intolerance, to be held not later than 2001, and that the Commission on Human Rights would serve as the preparatory committee for the World Conference. The World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance was held from 31 August to 8 September 2001 in Durban, South Africa.

21. In its Programme of Action, the Conference, inter alia:

(a) Requested the Commission to consider establishing a working group or other mechanism of the United Nations to study the problems of racial discrimination faced by people of African descent living in the African diaspora and make proposals for the elimination of racial discrimination against people of African descent;

(b) Requested the High Commissioner for Human Rights, in follow-up to the World Conference, to cooperate with five independent eminent experts, one from each region, appointed by the Secretary-General from among candidates proposed by the Chairperson of the

Commission on Human Rights, after consultation with the regional groups, to follow the implementation of the provisions of the Declaration and Programme of Action. An annual progress report on the implementation of these provisions will be presented by the High Commissioner to the Commission on Human Rights and the General Assembly, taking into account information and views provided by States, relevant human rights treaty bodies, special procedures and other mechanisms of the Commission on Human Rights of the United Nations, international, regional and non-governmental organizations and national human rights institutions;

(c) Invited the Commission on Human Rights to include in mandates of the special rapporteurs and working groups of the Commission on Human Rights, in particular the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance recommendations to consider the relevant provisions of the Declaration and the Programme of Action in the exercise of their mandates, in particular reporting to the General Assembly and the Commission on Human Rights, and also to consider any other appropriate means to follow up on the outcome on the World Conference;

(d) Recommended that the Commission on Human Rights prepare complementary international standards to strengthen and update international instruments against racism, racial discrimination, xenophobia and related intolerance in all their aspects.*

22. The Commission will have before it the report of the High Commissioner on the implementation of follow-up to the World Conference (E/CN.4/2002/22).

23. In its resolution 2001/5, the Commission requested the Secretary-General to submit to the Commission at its fifty-eighth session a report on the implementation of the resolution. The Commission will therefore have before it the report of the Secretary-General (E/CN.4/2002/21).

Special Rapporteur on contemporary forms of racism, racial discrimination and xenophobia

24. Pursuant to Commission resolution 1993/20, Mr. Maurice Glèlè-Ahanhanzo (Benin) was appointed Special Rapporteur on contemporary forms of racism, racial discrimination and xenophobia and related intolerance. In its resolution 1999/12, the Economic and Social Council extended the mandate of the Special Rapporteur for a further period of three years. In its resolution 2001/5, the Commission requested the Special Rapporteur to include in his report to the Commission at its fifty-eighth session information on the measures taken to implement the recommendations contained in his reports on country visits, and to undertake follow-up visits, if necessary. The Commission will have before it the report of the Special Rapporteur (E/CN.4/2002/24 and Add.1).

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* At the time of preparation of the present document, the General Assembly at its fifty-sixth session has not yet taken action on the Durban Declaration and Programme of Action.

Other matters

25. The attention of the Commission is also drawn to paragraph 2 of resolution 2001/1 adopted by the Sub-Commission on the Promotion and Protection of Human Rights at its fifty-third session.

Item 7. The right to development

26. The Declaration on the Right to Development was proclaimed by the General Assembly in its resolution 41/128 of 4 December 1986. The Commission decided to include this question under a separate item on its agenda in its resolution 1989/45.

27. In its resolution 1993/22, the Commission decided to establish a working group on the right to development composed of 15 experts with a mandate to identify obstacles to the implementation and realization of the Declaration on the Right to Development and to recommend ways and means towards the realization of the right to development by all States. The Working Group held five sessions in the period 1993-1995.

28. In its resolution 1996/15, the Commission decided to establish, for a two-year period, an intergovernmental working group composed of 10 experts with the mandate to elaborate a strategy for the implementation and promotion of the right to development in its integrated and multidimensional aspects. The working group held two sessions in the period 1996-1997.

29. Upon the recommendation of the Commission in its resolution 1998/72, the Economic and Social Council, in its decision 1998/269, approved the establishment of a follow-up mechanism, initially for a period of three years, consisting of:

(a) The establishment of an open-ended working group to meet for a period of five working days each year, after the fifty-fifth and fifty-sixth sessions of the Commission, with a mandate:

(i) To monitor and review progress made in the promotion and implementation of the right to development as elaborated in the Declaration on the Right to Development, at the national and international levels, providing recommendations thereon and further analysing obstacles to its full enjoyment, focusing each year on specific commitments in the Declaration;

(ii) To review reports and any other information submitted by States, United Nations agencies, other relevant international organizations and non-governmental organizations on the relationship between their activities and the right to development;

(iii) To present for the consideration of the Commission on Human Rights a sessional report on its deliberations, including, inter alia, advice to the Office of the High Commissioner for Human Rights with regard

to the implementation of the right to development, and suggesting possible programmes of technical assistance at the request of interested countries with the aim of promoting the implementation of the right to development;

(b) The appointment by the Chairman of the Commission on Human Rights of an independent expert with high competence in the field of the right to development, with a mandate to present to the working group at each of its sessions a study on the current state of progress in the implementation of the right to development as a basis for a focused discussion, taking into account, inter alia, the deliberations and suggestions of the working group. Mr. Arjun Sengupta (India) was subsequently appointed as the independent expert.

30. In its resolution 2001/9, the Commission decided, in view of the urgent need to make further progress towards the realization of the right to development as elaborated in the Declaration on the Right to Development, and based on the established practice of the Commission, to extend the mandate of the Open-ended working group established to monitor and review progress made in the promotion and implementation of the right to development for a further year, and to extend the mandate of the independent expert on the right to development for three years. The Economic and Social Council endorsed those decisions in its decision 2001/247.

31. In its resolutions 1998/72, 1999/79 and 2000/5, the Commission invited the High Commissioner for Human Rights to present a report to the Commission each year for the duration of the mechanism, to provide interim reports to the working group and to make those reports available to the independent expert, in each case covering:

(a) The activities of her Office relating to the implementation of the right to development as contained in her mandate;

(b) The implementation of resolutions of the Commission on Human Rights and the General Assembly with regard to the right to development;

(c) Inter-agency coordination within the United Nations system for the implementation of relevant resolutions of the Commission in that regard.

32. At the present session, the Commission will have before it the report of the High Commissioner for Human Rights (E/CN.4/2001/27).

33. The working group established under Commission resolution 1998/72 to monitor and review progress made in the promotion and implementation of the right to development is provisionally scheduled to meet from 11 to 22 February 2002. The report of the working group will be issued as document E/CN.4/2002/28.

Item 8. Question of the violation of human rights in the occupied Arab territories, including Palestine

Human rights in the occupied Syrian Golan

34. The Commission adopted resolution 2001/6 in which it requested the Secretary-General to report to the Commission at its fifty-eighth session. In this regard, the Commission will have before it the report of the Secretary-General (E/CN.4/2002/30).

Question of the violation of human rights in the occupied Arab territories, including Palestine

35. In its resolution 1993/2 A, the Commission decided to appoint a special rapporteur with the mandate to investigate Israel's violations of the principles and bases of international law, international humanitarian law and the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, in the Palestinian territories occupied by Israel since 1967, to receive communications, to hear witnesses and to report to the Commission at its future sessions, until the end of the Israeli occupation of those territories. Following the resignation of Mr. René Felber (Switzerland) in 1995, Mr. Hannu Halinen (Finland) in 1999 and Mr. Giorgio Giacomelli (Italy) in March 2001, Mr. John Dugard (South Africa) was appointed Special Rapporteur in June 2001. The Commission will have before it the report of the Special Rapporteur (E/CN.4/2002/32).

36. At its fifty-seventh session, the Commission adopted resolution 2001/7, in which it requested the Secretary-General to report on the implementation of the resolution by the Government of Israel and to provide the Commission with all United Nations reports issued between sessions of the Commission that dealt with the conditions in which the citizens of the Palestinian and other occupied Arab territories were living under the Israeli occupation. The Commission will have before it the report of the Secretary-General (E/CN.4/2002/29) and a note by the Secretary-General listing the aforementioned United Nations reports (E/CN.4/2002/31).

Israeli settlements in the occupied Arab territories

37. In its resolution 2001/8, the Commission decided to continue the consideration of this question at its fifty-eighth session.

Item 9. Question of the violation of human rights and fundamental freedoms in any part of the world, including:

(a) Question of human rights in Cyprus

(b) Procedure established in accordance with Economic and Social Council resolutions 1503 (XLVIII) and 2000/3

38. In 1967, the Commission adopted resolution 8 (XXIII), in which it decided to give annual consideration to an item on the question of violations of human rights and fundamental

freedoms. The title of the item was later modified by the Commission. Economic and Social Council resolutions 1235 (XLII) and 1503 (XLVIII) refer to the question of violations of human rights and fundamental freedoms.

39. In resolution 32/130, the General Assembly decided that, in approaching human rights questions within the United Nations system, the international community should accord, or continue to accord, priority to the search for solutions to the mass and flagrant violations of human rights of peoples and persons affected by various situations referred to in the resolution. The Assembly reiterated those views in subsequent resolutions. In resolution 34/175, entitled "Effective action against mass and flagrant violations of human rights", the Assembly urged the appropriate United Nations bodies, within their mandates, particularly the Commission, to take timely and effective action in existing and future cases of mass and flagrant violations of human rights. In resolution 37/200, the General Assembly urged all States to cooperate with the Commission in its study of violations of human rights and fundamental freedoms in any part of the world and requested the Commission to continue its efforts to improve the capacity of the United Nations system to take urgent action in cases of serious violations of human rights.

Human rights situation of the Lebanese detainees in Israel

40. At its fifty-seventh session, the Commission adopted resolution 2001/10, in which it requested the Secretary-General to bring that resolution to the attention of the Government of Israel and to call upon it to comply with its provisions, and to report to the General Assembly at its fifty-sixth session and to the Commission at its fifty-eighth session on the results of his efforts in this regard. The Economic and Social Council, in its decision 2001/248, approved the requests of the Commission. The Commission will therefore have before it the report of the Secretary-General (E/CN.4/2002/34).

Cooperation with representatives of United Nations human rights bodies

41. In its resolution 2001/11, the Commission invited the Secretary-General to submit a report at its fifty-eighth session containing a compilation and analysis of any available information, from all appropriate sources, on alleged reprisals against those who seek to cooperate or have cooperated with representatives of United Nations human rights bodies, or who have provided testimony or information to them; those who avail or have availed themselves of procedures established under United Nations auspices for the protection of human rights and fundamental freedoms and all those who have provided legal assistance to them for this purpose; those who submit or have submitted communications under procedures established by human rights instruments; and those who are relatives of victims of human rights violations. The Commission will have before it the report of the Secretary-General (E/CN.4/2002/36).

The situation of human rights in parts of South-Eastern Europe

42. Pursuant to Commission resolution 1992/S-1/1, Mr. Tadeusz Mazowiecki (Poland) was appointed Special Rapporteur on the situation of human rights in the territory of the former Yugoslavia. Following the resignation of Mr. Mazowiecki in July 1995, the Chairperson of the

Commission appointed Ms. Elisabeth Rehn (Finland) Special Rapporteur. Following the resignation of Ms. Rehn in January 1998, Mr. Jiri Dienstbier (Czech Republic) was appointed Special Rapporteur, in March 1998.

43. In its resolution 2000/26, the Commission decided to renew the mandate of the Special Rapporteur on the situation of human rights in Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia for one year and requested him to report to the Commission at its fifty-seventh session on the work conducted in fulfilment of the mandate and to submit an interim report to the General Assembly at its fifty-fifth session. The Commission recommended, if the commitment to and progress made on human rights and democratic principles in Croatia continued, that Croatia be considered at its fifty-seventh session under the agenda item on technical assistance and advisory services.

44. In its resolution 2001/12, the Commission:

(a) Requested the Chairperson of the Commission to appoint for one year a special representative of the Commission with a mandate to examine the situation of human rights in Bosnia and Herzegovina and the Federal Republic of Yugoslavia; in reporting on the human rights situation in Kosovo, the Special Representative should:

(i) Consult closely with the international civilian presence, particularly representatives of the Organization for Security and Cooperation in Europe;

(ii) Closely monitor the situation, paying particular attention to those areas that remain a source of concern, including cooperation with the International Criminal Tribunal for the Former Yugoslavia, the release of unjustly detained prisoners, including Kosovar Albanians, the identification of persons missing as a result of conflict, the protection of minorities, trafficking in persons and the right of return of refugees and internally displaced persons;

(iii) Cooperate closely with the United Nations High Commissioner for Human Rights offices in Belgrade and Sarajevo and with her Special Envoy on persons deprived of liberty in connection with the Kosovo crisis in the Federal Republic of Yugoslavia to avoid duplication of effort;

(b) Requested the Special Representative to submit an interim report on his/her findings to the General Assembly at its fifty-sixth session and a report to the Commission at its fifty-eighth session.

45. The Economic and Social Council, in its decision 2001/219, approved the above decisions of the Commission. At the present session, the Commission will therefore have before it the report of the Special Representative (E/CN.4/2002/41).

Situation of human rights in Afghanistan

46. Following the death of the Special Rapporteur, Mr. Felix Ermacora (Austria), in February 1995, Mr. Choong-Hyun Paik (Republic of Korea) was appointed Special Rapporteur. Following the resignation of Mr. Paik, Mr. Kamal Hossain (Bangladesh) was appointed Special Rapporteur on the situation of human rights in Afghanistan, in December 1998. In its resolution 2001/13, which was endorsed by Economic and Social Council decision 2001/249, the Commission decided to extend the mandate of the Special Rapporteur on the situation of human rights in Afghanistan, as contained in Economic and Social Council resolution 1984/37 and subsequent resolutions of the Commission, for a further year and requested him to report on the situation of human rights in Afghanistan to the General Assembly at its fifty-sixth session and to the Commission on Human Rights at its fifty-eighth session. The Commission will have before it the report of the Special Rapporteur (E/CN.4/2002/43).

Situation of human rights in Iraq

47. In its resolution 2001/14, the Commission decided to extend the mandate of the Special Rapporteur on the situation of human rights in Iraq, as contained in Commission resolution 1991/74 and subsequent resolutions, for a further year, and requested the Special Rapporteur to submit an interim report on the situation of human rights in Iraq to the General Assembly at its fifty-sixth session and to report to the Commission at its fifty-eighth session. The Economic and Social Council, in its decision 2001/250, endorsed the above decision of the Commission. Following the resignation of Mr. Max van der Stoel (Netherlands) from the post of Special Rapporteur in November 1999, Mr. Andreas Mavrommatis (Cyprus) was appointed Special Rapporteur in December 1999. The Commission will have before it the report of the Special Rapporteur (E/CN.4/2002/44).

Situation of human rights in Myanmar

48. Following the resignation of Mr. Yozo Yokota (Japan) in May 1996 and of Mr. Rajsoomer Lallah (Mauritius) in November 2000, Mr. Paulo Sérgio Pinheiro (Brazil) was appointed, in December 2000, Special Rapporteur on the situation of human rights in Myanmar. In its resolution 2001/15, the Commission decided to extend the mandate of the Special Rapporteur, as contained in Commission resolution 1992/58, for a further year and requested the Special Rapporteur to submit an interim report to the General Assembly at its fifty-sixth session and to report to the Commission at its fifty-eighth session. The Economic and Social Council, in its decision 2001/251, endorsed the above decision of the Commission. The Commission will have before it the report of the Special Rapporteur (E/CN.4/2002/45). The Commission will also have before it a report of the Secretary-General prepared pursuant to General Assembly resolution 56/231 (E/CN.4/2002/35).

Situation of human rights in Cuba

49. In its resolution 2001/16, the Commission decided to consider this matter further at its fifty-eighth session.

Situation of human rights in the Islamic Republic of Iran

50. In its resolution 2001/17, the Commission decided to extend the mandate of the Special Representative of the Commission on the situation of human rights in the Islamic Republic of Iran, as contained in Commission resolution 1984/54, for a further year and requested him to submit an interim report to the General Assembly at its fifty-sixth session and to report to the Commission at its fifty-eighth session. The Economic and Social Council, in its decision 2001/252, endorsed the above decision of the Commission. The Commission will have before it the report of the Special Representative, Mr. Maurice Copithorne (Canada) (E/CN.4/2002/42).

Situation of human rights in the Sudan

51. Pursuant to Commission resolution 1993/60, Mr. Gáspár Bíró (Hungary) was appointed Special Rapporteur on the situation of human rights in the Sudan. Following the resignation of Mr. Bíró, Mr. Leonardo Franco (Argentina) was appointed Special Rapporteur, in August 1998. Following the resignation of Mr. Franco in October 2000, the Chairperson of the Commission appointed Mr. Gerhart Baum (Germany) Special Rapporteur, in December 2000. In its resolution 2001/18, the Commission decided to extend the mandate of the Special Rapporteur on the situation of human rights in the Sudan for a further year and requested him to submit an interim report to the General Assembly at its fifty-sixth session and to report to the Commission at its fifty-eighth session. The Economic and Social Council, in its decision 2001/253, endorsed the above decision of the Commission. The Commission will have before it the report of the Special Rapporteur (E/CN.4/2002/46).

Situation of human rights in the Democratic Republic of the Congo

52. Pursuant to Commission resolution 1994/87, Mr. Roberto Garretón (Chile) was appointed Special Rapporteur on the situation of human rights in the Democratic Republic of the Congo. Following the resignation of Mr. Garretón in October 2001, Ms. Iulia-Antoanella Motoc (Romania) was appointed Special Rapporteur in November 2001. In its resolution 2001/19, the Commission decided to extend the mandate of the Special Rapporteur for a further year, to request him to submit an interim report to the General Assembly at its fifty-sixth session and to report to the Commission at its fifty-eighth session on the situation of human rights in the Democratic Republic of the Congo and on the possibilities for the international community to assist with local capacity-building. The Economic and Social Council, in its decision 2001/254, endorsed the above decision of the Commission.

53. In the same resolution, the Commission also requested the Special Rapporteur on the situation of human rights in the Democratic Republic of the Congo and the Special Rapporteur on extrajudicial, summary or arbitrary executions and a member of the Working Group on Enforced and Involuntary Disappearances to carry out, as soon as security considerations permit and, where appropriate, in cooperation with the National Commission of Inquiry to investigate alleged human rights violations and breaches of international humanitarian law in the Democratic Republic of the Congo (formerly Zaire) between 1996 and 1997, a joint mission to investigate all massacres carried out in the territory of the Democratic Republic of the Congo, including those in the province of South Kivu and other atrocities referred to in the most recent

and in previous reports by the Special Rapporteur on the situation of human rights in the Democratic Republic of the Congo, with a view to bringing to justice those responsible, and to report to the General Assembly at its fifty-sixth session and to the Commission at its fifty-eighth session (see also paras. 113 and 118 below).

54. The Commission will have before it the report of the Special Rapporteur (E/CN.4/2002/47) and a note by the Secretariat (E/CN.4/2002/48).

Situation of human rights in Sierra Leone

55. In its resolution 1999/1, the Commission decided to discontinue consideration of the human rights situation in Sierra Leone under Economic and Social Council resolution 1503 (XLVIII) and to take up consideration of the matter under the public procedure, under the agenda item entitled "Question of the violation of human rights and fundamental freedoms in any part of the world". In its resolution 2001/20, the Commission requested the United Nations High Commissioner for Human Rights to report to the General Assembly at its fifty-sixth session and to the Commission at its fifty-eighth session on the human rights situation in Sierra Leone, including with reference to reports from the United Nations Mission in Sierra Leone. The Economic and Social Council, in its decision 2001/255, approved the above request of the Commission.

56. At the present session, the Commission will have before it the report of the High Commissioner (E/CN.4/2002/37).

Situation of human rights in Burundi

57. Pursuant to Commission resolution 1995/90, Mr. Paulo Sérgio Pinheiro (Brazil) was appointed Special Rapporteur with the task of drawing up, on the basis of all the information he considered relevant and his contacts with the Burundi authorities and population, a report on the situation of human rights in Burundi. Following the resignation of Mr. Pinheiro, Ms. Marie-Thérèse Kéita-Bocoum (Côte d'Ivoire) was appointed Special Rapporteur, in August 1999. In its resolution 2001/21, the Commission decided to extend the mandate of the Special Rapporteur on the situation of human rights in Burundi for a further year and requested her to submit an interim report to the General Assembly at its fifty-sixth session and to report to the Commission at its fifty-eighth session. The Economic and Social Council, in its decision 2001/256, endorsed the above decision of the Commission.

58. At the present session, the Commission will have before it the report of the Special Rapporteur (E/CN.4/2002/49).

Situation of human rights in Equatorial Guinea and assistance in the field of human rights

59. Pursuant to Commission resolution 1993/69, Mr. Alejandro Artucio Rodríguez (Uruguay) was appointed Special Rapporteur on the situation of human rights in Equatorial Guinea. In its resolution 1999/19, the Commission decided to appoint a special representative of the Commission and requested him to monitor the situation of human rights in Equatorial Guinea. Mr. Gustavo Gallón (Colombia) was appointed Special Representative of the Commission on the

situation of human rights in Equatorial Guinea in August 1999. In its resolution 2001/22, the Commission decided to renew the mandate of the Special Representative of the Commission to monitor the situation of human rights in Equatorial Guinea for a further year and requested him to report to the Commission on Human Rights at its fifty-eighth session. The Economic and Social Council, in its decision 2001/257, endorsed the above decision of the Commission. The Commission will have before it the report of the Special Representative (E/CN.4/2002/40).

Situation of human rights in Rwanda

60. In its resolution 2001/23, the Commission decided to end the mandate of the Special Representative of the Commission on the situation of human rights in Rwanda and to end its consideration of the situation of human rights in Rwanda.

Situation in the Republic of Chechnya of the Russian Federation

61. In its resolution 2001/24, the Commission requested the United Nations High Commissioner for Human Rights to submit to the Commission at its fifty-eighth session a report on the implementation of that resolution and to keep the General Assembly informed of further developments as appropriate. The Economic and Social Council, in its decision 2001/258, approved the above request of the Commission.

62. At the present session, the Commission will have before it the report of the United Nations High Commissioner for Human Rights (E/CN.4/2002/38).

Situation of human rights in East Timor

63. In the statement made on behalf of the Commission by the Chairperson of the fifty-seventh session on 20 April 2001 (E/2001/23-E/CN.4/2001/167, para. 239), the Commission requested the United Nations High Commissioner for Human Rights to submit an interim report to the General Assembly at its fifty-sixth session and to report to the Commission at its fifty-eighth session. The Economic and Social Council, in its decision 2001/289, approved the above request of the Commission.

64. At the present session, the Commission will have before it the report of the United Nations High Commissioner for Human Rights (E/CN.4/2002/39).

Sub-item (a) Question of human rights in Cyprus

65. This question has been considered by the Commission since its thirty-second session, when it adopted resolution 4 (XXXIII) of 27 February 1976. In its decision 2001/102, the Commission decided to retain the sub-item on its agenda and to give it due priority at its fifty-eighth session, it being understood that action required by previous resolutions of the Commission on the subject would continue to remain operative, including the request to the Secretary-General to submit a report to the Commission regarding their implementation. At its present session, the Commission will have before it the report of the Secretary-General (E/CN.4/2002/33).

Sub-item (b) Procedure established in accordance with Economic and Social Council resolutions 1503 (XLVIII) and 2000/3

66. By resolution 1503 (XLVIII) of 27 May 1970, the Economic and Social Council established a procedure for dealing with communications concerning alleged violations of human rights. Particular situations referred to the Commission by the Sub-Commission on Prevention of Discrimination and Protection of Minorities (now the Sub-Commission on the Promotion and Protection of Human Rights) under Council resolution 1503 (XLVIII) were placed before the Commission for the first time at its thirtieth session in 1974. Since then, particular situations relating to 80 countries have been placed before the Commission under the procedure.

67. During its fifty-sixth session in 2000, the Commission on Human Rights revised the 1503 procedure. The inter-sessional working group on enhancing the effectiveness of the mechanisms of the Commission on Human Rights included in chapter three of its report (E/CN.4/2000/112) recommendations on how the 1503 procedure should be amended. Those recommendations were subsequently embodied in a draft resolution entitled "Procedure for dealing with communications concerning human rights" which was part of Commission decision 2000/109. The Economic and Social Council approved the draft resolution, which became Council resolution 2000/3 of 16 June 2000.

68. Pursuant to Council resolution 2000/3, the Commission on Human Rights will consider the particular situations placed before it by the Working Group on Situations, as well as the situations kept under review by the Commission the previous year. The Commission's consideration of these situations may take place in two separate closed meetings. Should the Commission decide to hold two separate closed meetings, the modalities to be used are set forth in paragraph 7 of Council resolution 2000/3.

69. As has been the case since 1980, the States invited to attend the closed meetings of the Commission under Council resolution 1503 (XLVIII) will have the right to attend and to participate in the entire discussion of the situation concerning them, and to be present during the adoption of the final decision taken in regard to their situation.

70. Following established practice, the Chairperson of the Commission will announce in a public meeting the countries that have been examined under the procedure governed by Council resolutions 1503 (XLVIII) and 2000/3, as well as the countries no longer being dealt with under the procedure; otherwise, all actions taken under the 1503 procedure remain confidential until such time as the Commission may decide to make recommendations to the Council. The documentation pertaining to the procedure is also confidential.

71. At the present session, the Commission on Human Rights will also consider the practice of forwarding confidential monthly lists from the Office of the High Commissioner for Human Rights to the Division for the Advancement of Women of the United Nations Secretariat and will provide the Council with concrete recommendations on this issue, as requested by the Council in its decision 2001/304 of 26 July 2001 entitled "Confidentiality of the 1503 (confidential communications) procedure".

72. At the present session, the Commission will have before it the report of the Working Group on Situations (E/CN.4/2002/R.1 and addenda). Observations which may be received from the Governments concerned (to be issued in the E/CN.4/2002/R.2 series) will also be made available. The above-mentioned confidential documents will be handed to the members of the Commission at least one week in advance of the first closed meeting.

Item 10. Economic, social and cultural rights

The right to food

73. In its resolution 2000/10, the Commission decided, in order to respond fully to the necessity for an integrated and coordinated approach in the promotion and protection of the right to food, to appoint, for a period of three years, a special rapporteur, whose mandate would focus on the right to food. Mr. Jean Ziegler (Switzerland) was appointed Special Rapporteur in September 2000. In its resolution 2001/25, the Commission requested the Special Rapporteur to submit a preliminary report to the General Assembly at its fifty-sixth session and a final report to the Commission at its fifty-eighth session. The Economic and Social Council, in its decision 2001/259, approved the above request of the Commission.

74. At the present session, the Commission will have before it the report of the Special Rapporteur (E/CN.4/2002/58 and Add.1).

Human rights and unilateral coercive measures

75. In its resolution 2001/26, the Commission invited the Open-ended working group established to monitor and review progress made in the promotion and implementation of the right to development to give due consideration to the question of human rights and the negative impact of unilateral coercive measures, and all special rapporteurs and existing thematic mechanisms of the Commission in the field of economic, social and cultural rights to pay due attention, within the scope of their respective mandates, to the negative impact and consequences of unilateral coercive measures. The Commission requested the Secretary-General to bring that resolution to the attention of all Member States and to seek their views and information on the implications and negative effects of unilateral coercive measures on their populations, and to submit a report thereon to the Commission at its fifty-eighth session. At the present session, the Commission will have before it the report of the Secretary-General (E/CN.4/2002/51).

Effects of structural adjustment policies and foreign debt on the full enjoyment of all human rights, particularly economic, social and cultural rights

76. In its resolution 1998/24, the Commission on Human Rights decided to appoint, for a three-year period, a special rapporteur on the effects of foreign debt on the full enjoyment of economic, social and cultural rights. The Commission requested the Special Rapporteur to present to it, on an annual basis, an analytical report on the implementation of that resolution. Mr. Reinaldo Figueredo (Venezuela) was appointed Special Rapporteur, in August 1998.

77. In order that the Open-ended working group on structural adjustment programmes and economic, social and cultural rights established pursuant to Commission decision 1996/103 might carry out its mandate, the Commission decided, in its decision 1997/103, to appoint an independent expert to study the effects of structural adjustment policies on economic, social and cultural rights. Mr. Fantu Cheru (United States of America) was appointed independent expert, in December 1998.

78. In its resolution 2000/82, the Commission decided to discontinue the mandates of the Special Rapporteur on the effects of foreign debt on the full enjoyment of economic, social and cultural rights and the independent expert on structural adjustment policies. The Commission decided to appoint an independent expert on the effects of structural adjustment policies and foreign debt on the full enjoyment of all human rights, particularly economic, social and cultural rights, for a period of three years. It decided to appoint Mr. Fantu Cheru to that post, in order to take advantage of his expertise in this matter. The independent expert was requested to present an analytical report to the Commission, on an annual basis, on the implementation of that resolution. The independent expert was also requested to provide an advance copy of his annual report to the Open-ended working group established to elaborate policy guidelines on structural adjustment programmes and economic, social and cultural rights in order to assist the group in the fulfilment of its mandate. Following the resignation of Mr. Cheru in September 2001, Mr. Bernards Andrew Nyamwaya Mudho (Kenya) was appointed independent expert in November 2001.

79. In its resolution 2001/27, the Commission requested the Economic and Social Council to authorize the Open-ended working group on structural adjustment programmes and economic, social and cultural rights to meet for two weeks well in advance of, and at least four weeks prior to, the fifty-eighth session of the Commission with the mandate to: (a) continue working on the elaboration of basic policy guidelines on structural adjustment programmes and economic, social and cultural rights which could serve as a basis for a continued dialogue between human rights bodies and international financial institutions, and (b) report to the Commission at its fifty-eighth session. The Economic and Social Council, in its decision 2001/260, approved the above request of the Commission.

80. At the present session, the Commission will have before it the report of the independent expert on the effects of structural adjustment policies and foreign debt on the full enjoyment of all human rights (E/CN.4/2002/56). The Commission will also have before it the report of the Open-ended working group on structural adjustment programmes and economic, social and cultural rights, which is provisionally scheduled to meet from 25 February to 8 March 2002 (E/CN.4/2002/62).

Adequate housing as a component of the right to an adequate standard of living

81. In its resolution 2000/9, the Commission decided to appoint, for a period of three years, a special rapporteur whose mandate would focus on adequate housing as a component of the right to an adequate standard of living as reflected in article 25, paragraph 1, of the Universal Declaration of Human Rights, article 11, paragraph 1, of the International Covenant on Economic, Social and Cultural Rights, and article 27, paragraph 3, of the Convention on the Rights of the Child, and on the right to non-discrimination as reflected in article 14,

paragraph 2 (h), of the Convention on the Elimination of All Forms of Discrimination against Women, and article 5 (e) of the International Convention on the Elimination of All Forms of Racial Discrimination. The Commission requested the Special Rapporteur to submit to it an annual report covering the activities relating to the mandate. Mr. Miloon Kothari (India) was appointed Special Rapporteur in September 2000. In its resolution 2001/28, the Commission requested the Special Rapporteur to submit a report to the Commission at its fifty-eighth session. At the present session, the Commission will have before it the report of the Special Rapporteur (E/CN.4/2002/59 and Add.1 and 2).

The right to education

82. In its resolution 1998/33, the Commission decided, as part of its efforts to impart a higher visibility to economic, social and cultural rights, to appoint, for a period of three years, a special rapporteur whose mandate would focus on the right to education, as laid down in article 26 of the Universal Declaration of Human Rights and in the relevant and applicable provisions of the International Covenant on Economic, Social and Cultural Rights. Ms. Katarina Tomasevski (Croatia) was appointed Special Rapporteur, in August 1998. The Special Rapporteur submitted her reports to the Commission at its fifty-fifth (E/CN.4/1999/49), fifty-sixth (E/CN.4/2000/6 and Add.1 and 2) and fifty-seventh (E/CN.4/2001/52) sessions.

83. In its resolution 2001/29, the Commission decided to renew, for a period of three years, the mandate of the Special Rapporteur on the right to education and to request her to submit a report to the Commission at its fifty-eighth session. The Economic and Social Council, in its decision 2001/261, approved the above decision of the Commission. At the present session, the Commission will have before it the report of the Special Rapporteur (E/CN.4/2002/60 and Add.1 and 2).

Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights

84. In its resolution 2001/30, the Commission decided to appoint an independent expert to examine the question of a draft optional protocol to the International Covenant on Economic, Social and Cultural Rights in the light, inter alia, of the report of the Committee on Economic, Social and Cultural Rights to the Commission on a draft optional protocol for the consideration of communications in relation to the Covenant (E/1997/22-E/C.12/1996/6, annex IV), the comments made in that regard by States, intergovernmental organizations and non-governmental organizations, as well as the report of the workshop on the justiciability of economic, social and cultural rights, with particular reference to the draft optional protocol to the Covenant (E/CN.4/2001/62/Add.2) and to submit a report to the Commission at its fifty-eighth session with a view to its consideration of possible follow-up and future actions, including the establishment of an open-ended working group of the Commission to examine the question of a draft optional protocol to the Covenant. Pursuant to resolution 2001/30, Mr. Hatem Kotrane (Tunisia) was appointed independent expert, in June 2001. The Economic and Social Council, in its decision 2001/220, endorsed the above decision of the Commission. At the present session, the Commission will have before it the report of the independent expert (E/CN.4/2002/57).

85. Also in its resolution 2001/30, the Commission requested the Secretary-General to submit to it at its fifty-eighth session a report on the implementation of that resolution. The Commission will have before it the report of the Secretary-General (E/CN.4/2001/50).

Human rights and extreme poverty

86. In its resolution 1998/25, the Commission decided to appoint, for a period of two years, an independent expert on the question of human rights and extreme poverty. Ms. Anne-Marie Lizin (Belgium) was appointed independent expert in August 1998. The independent expert submitted her reports to the Commission at its fifty-fifth (E/CN.4/1999/48) and fifty-sixth (E/CN.4/2000/52) sessions.

87. In its resolution 2000/12, the Commission decided to renew, for a period of two years, the mandate of the independent expert on extreme poverty. The independent expert was requested to report on her activities to the Commission at its fifty-seventh and fifty-eighth sessions and to make those reports available to the Commission for Social Development and the Commission on the Status of Women, as appropriate, for their sessions during the same years. The independent expert submitted a report to the Commission at its fifty-seventh session (E/CN.4/2001/54 and Corr.1 and Add.1 and Add.1/Corr.1).

88. In its resolution 2001/31, the Commission took note of the conclusions of the Expert Seminar on Human Rights and Extreme Poverty (E/CN.4/2001/54/Add.1, paras. 30-33) organized by the High Commissioner in accordance with Commission resolution 2000/12 and:

(a) Requested the Sub-Commission on the Promotion and Protection of Human Rights to consider the need to develop, on the basis of the various relevant international texts, the ongoing work in other forums, the conclusions and recommendations of the Expert Seminar and any other relevant inputs, in particular those received from Governments, guiding principles on the implementation of existing human rights norms and standards in the context of the fight against extreme poverty and to report to the Commission at its fifty-ninth session;

(b) Invited States, the United Nations specialized agencies, funds and programmes, the relevant functional commissions of the Economic and Social Council, the regional economic commissions and the international financial institutions to submit their views on this subject to the Sub-Commission.

89. At its fifty-eighth session, the Commission will have before it the report of the independent expert (E/CN.4/2002/55 and Add.1 and 2).

Globalization and its impact on the full enjoyment of all human rights

90. In its resolution 2001/32, the Commission took note of the preliminary report of the Special Rapporteurs of the Sub-Commission on the Promotion and Protection of Human Rights (E/CN.4/Sub.2/2000/13) and encouraged them to take into account the contents of the resolution in finalizing their study on globalization and its impact on the full enjoyment of all human rights for consideration by the Commission at its fifty-ninth session. The Commission requested the United Nations High Commissioner for Human Rights, in cooperation with the United Nations

Conference on Trade and Development, to submit a comprehensive report entitled "Globalization and its impact on the full enjoyment of human rights" for consideration by the Commission, taking into account the provisions of that resolution. At the present session, the Commission will have before it the report of the High Commissioner (E/CN.4/2002/54).

Access to medication in the context of pandemics such as HIV/AIDS

91. In its resolution 2001/33, the Commission requested the Secretary-General to solicit comments from Governments, United Nations organs, programmes and specialized agencies and international and non-governmental organizations on the steps they have taken to promote and implement, where applicable, that resolution, as well as to report thereon to the Commission at its fifty-eighth session. The Commission will have before it the report of the Secretary-General (E/CN.4/2002/52).

Women's equal ownership of, access to and control over land and the equal rights to own property and to adequate housing

92. In its resolution 2000/13, the Commission decided to consider the issue of women's equal ownership of, access to, and control over land and the equal rights to own property and to adequate housing at its fifty-seventh session. In its resolution 2001/34, the Commission requested the Secretary-General to report to the Commission at its fifty-eighth session on the implementation of that resolution. The Commission will have before it the report of the Secretary-General (E/CN.4/2002/53).

Adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights

93. In its resolution 1995/81, the Commission decided to appoint a special rapporteur on this question. Pursuant to that resolution, Ms. Fatma Zohra Ksentini (Algeria) was appointed Special Rapporteur. In its resolution 1998/12, the Commission decided to renew the mandate of the Special Rapporteur for a period of three years. In its resolution 2001/35, the Commission decided to renew the mandate of the Special Rapporteur on the adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights for a further period of three years. The Economic and Social Council, in its decision 2001/262, endorsed the above decision of the Commission.

94. In the same resolution, the Commission invited the Special Rapporteur, in accordance with her mandate, to include in her report to the Commission at its fifty-eighth session comprehensive information on:

(a) Persons killed, maimed or otherwise injured in developing countries through the illicit movement and dumping of toxic and dangerous products and wastes;

(b) The question of the impunity of the perpetrators of these heinous crimes, including racially motivated discriminatory practices, and to recommend measures to bring them to an end;

(c) The question of rehabilitation of and assistance to victims;

(d) The scope of national legislation in relation to transboundary movement and dumping of toxic and dangerous products and wastes;

(e) The question of fraudulent waste-recycling programmes, the transfer of polluting industries, industrial activities and technologies from the developed to developing countries, ambiguities in international instruments that allow illegal movement and dumping of toxic and dangerous products and wastes, and any gaps in the effectiveness of the international regulatory mechanisms.

95. The Commission will have before it the report of the Special Rapporteur, Ms. Fatma Zohra Ouhachi Vesely (Algeria) (E/CN.4/2002/61).

Other matters

96. In connection with the present agenda item, the attention of the Commission is drawn to draft decisions 1 and 5 in chapter I of the report of the Sub-Commission on the Promotion and Protection of Human Rights on its fifty-third session (E/CN.4/2002/2-E/CN.4/Sub.2/2001/40), recommended to the Commission on Human Rights for adoption. The attention of the Commission is also drawn to resolutions 2001/3, 2001/4 (para. 6), 2001/5 (para. 8), 2001/6 (paras. 1 and 2), 2001/7 (para. 1), 2001/8 (para. 3), 2001/21 (para. 13), 2001/23 and 2001/24 (para. 12) of the Sub-Commission.

Item 11. Civil and political rights, including the questions of:

(a) Torture and detention

(b) Disappearances and summary executions

(c) Freedom of expression

(d) Independence of the judiciary, administration of justice, impunity

(e) Religious intolerance

(f) States of emergency

(g) Conscientious objection to military service

Human rights and forensic science

97. In its resolution 2000/32, the Commission requested the Office of the High Commissioner to report to the Commission at its fifty-eighth session on progress made in that matter, and decided to consider that question at its fifty-eighth session. The Commission will have before it the report of the High Commissioner for Human Rights (E/CN.4/2002/67).

Strengthening of popular participation, equity, social justice and non-discrimination as essential foundations of democracy

98. In its resolution 2001/36, the Commission decided to continue its consideration of this issue at its fifty-eighth session. The Commission will have before it a note by the Secretariat transmitting information received from Governments and United Nations organs (E/CN.4/2002/121) (see also para. 102 below).

Human rights and terrorism

99. In its resolution 2001/37, the Commission requested the Secretary-General to continue to collect information, including a compilation of studies and publications, on the implications of terrorism, as well as on the effects of the fight against terrorism, on the full enjoyment of human rights from all relevant sources, including Governments, specialized agencies, intergovernmental organizations, non-governmental organizations and academic institutions, and to make it available to the concerned special rapporteurs, including the Special Rapporteur on terrorism and human rights of the Sub-Commission on the Promotion and Protection of Human Rights, and all concerned working groups of the Commission on Human Rights for their consideration. The Commission decided to remain seized of this matter at its fifty-eighth session.

100. The attention of the Commission is drawn to draft decision 4 in chapter I of the report of the Sub-Commission on the Promotion and Protection of Human Rights on its fifty-third session (E/CN.4/2002/2-E/CN.4/Sub.2/2001/40), recommended to the Commission on Human Rights for adoption.

Hostage-taking

101. In its resolution 2001/38, the Commission decided to remain seized of this matter.

Continuing dialogue on measures to promote and consolidate democracy

102. In its resolution 2001/41, the Commission called upon the Office of the United Nations High Commissioner for Human Rights to organize an expert seminar to examine the interdependence between democracy and human rights, to be funded by voluntary contributions, and to include observers from interested Governments, experts of the United Nations agencies, funds and programmes, other relevant intergovernmental organizations and interested non-governmental organizations, and to report on the conclusions of the expert seminar to the Commission at its fifty-ninth session. The Economic and Social Council, in its decision 2001/263, endorsed the above request of the Commission. The Commission decided to continue consideration of the matter at its fifty-eighth session (see also para. 98 above).

The incompatibility between democracy and racism

103. In its resolution 2001/43, the Commission invited the United Nations High Commissioner for Human Rights to submit an analytical report on the main trends and governmental policies regarding this subject, especially on the development of political

parties with racist platforms, as well as actions to counter such trends, to the Commission at its fifty-eighth session. At the present session, the Commission will have before it the report of the High Commissioner (E/CN.4/2002/69).

Sub-item (a) Torture and detention

Draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

104. At its forty-eighth session, in its resolution 1992/43, the Commission decided to establish an open-ended inter-sessional working group to elaborate a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment designed to establish a preventive system of visits to places of detention, using as a basis for its discussion the draft text proposed by the Government of Costa Rica on 22 January 1991, and to consider implications of its adoption and the relationship between the draft optional protocol, regional instruments and the Committee against Torture.

105. In its resolution 2001/44, the Commission requested the open-ended working group, in order to continue its work, to meet prior to the fifty-eighth session of the Commission for a period of two weeks, with a view to completing expeditiously a final and substantive text, and to report to the Commission at its fifty-eighth session. The Commission encouraged the Chairperson-Rapporteur of the working group to conduct informal inter-sessional consultations with all interested parties in order to facilitate the completion of a consolidated text. The Economic and Social Council, in its decision 2001/265, approved the above request of the Commission. The working group is scheduled to meet from 14 to 25 January 2002 in Geneva. The Commission will have before it the report of the working group (E/CN.4/2002/78).

Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

Status of the Convention against Torture

106. In its resolution 2001/62, the Commission requested the Secretary-General to continue to submit to the Commission an annual report on the status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The Commission will have before it the report of the Secretary-General (E/CN.4/2002/65).

Special Rapporteur on the question of torture

107. At its forty-first session the Commission, in its resolution 1985/33, decided to appoint a special rapporteur to examine questions relevant to torture. Following the resignation of Sir Nigel S. Rodley (United Kingdom of Great Britain and Northern Ireland) in November 2001, Mr. Theo C. van Boven (Netherlands) was appointed Special Rapporteur, on 28 November 2001. In its resolution 2001/62, the Commission decided to renew for a period of three years the mandate of the Special Rapporteur on the question of torture and to request the Special Rapporteur to present an interim report to the General Assembly at its fifty-sixth session on the overall trends and developments with regard to his mandate and a full report to the Commission

at its fifty-eighth session. The Economic and Social Council, in its decision 2001/272, endorsed the above decision of the Commission and approved the request to the Special Rapporteur. At the present session, the Commission will have before it the report of the Special Rapporteur (E/CN.4/2001/76 and Add.1).

United Nations Voluntary Fund for Victims of Torture

108. In December 1981, the General Assembly, in its resolution 36/151, established the United Nations Voluntary Fund for Victims of Torture and adopted the arrangements for the management of the Fund (A/36/540). Voluntary contributions paid to the Fund are distributed, through established channels of assistance, as medical, psychological, psychiatric, social, economic or legal assistance to the victims of torture and their relatives. The Fund is administered by the High Commissioner for Human Rights on behalf of the Secretary-General with the advice of a Board of Trustees authorized to promote and solicit contributions and pledges.

109. The Commission on Human Rights, in its resolution 2001/62, requested the Secretary-General to continue to include the Fund on an annual basis among the programmes for which funds are pledged at the United Nations Pledging Conference for Development Activities and renewed its request to the Secretary-General to transmit to all Governments the appeals of the Commission for contributions to the Fund. The Commission called upon the Board of Trustees of the Fund to report to the Commission at its fifty-eighth session and present an updated assessment of the global need for international funding of rehabilitation services for victims of torture, and requested the Secretary-General to continue to keep the Commission informed of the operations of the Fund on an annual basis. At the present session, the Commission will have before it the report of the Secretary-General on the Fund submitted to the General Assembly (A/56/181) and updated information for the Commission (E/CN.4/2002/66 and Add.1).

Question of arbitrary detention

110. At its forty-seventh session, in resolution 1991/42, the Commission decided to create, for a three-year period, a working group composed of five independent experts, with the task of investigating cases of detention imposed arbitrarily or otherwise inconsistently with relevant international standards or the relevant international legal instruments accepted by the States concerned. Since then, the Working Group's mandate has been extended by the Commission every three years, the last time in 2000 (resolution 2000/36).

111. At its fifty-seventh session, in resolution 2001/40, the Commission requested the Working Group to submit to it, at its fifty-eighth session, a report on its activities and on the implementation of that resolution, and to include any suggestions and recommendations which would enable it to carry out its task in the best possible way, and to continue its consultations to that end within in the framework of its terms of reference.

112. At the present session, the Commission will have before it the report of the Working Group (E/CN.4/2002/77 and Add.1 and 2).

Sub-item (b) Disappearances and summary executions

Extrajudicial, summary or arbitrary executions

113. Pursuant to Economic and Social Council resolution 1982/35, Mr. Amos Wako (Kenya) was appointed Special Rapporteur on extrajudicial, summary or arbitrary executions. Following the resignation of Mr. Wako in March 1982, Mr. Bacre W. N'diaye (Senegal) was appointed Special Rapporteur. Following the resignation of Mr. N'diaye, Ms. Asma Jahangir (Pakistan) was appointed Special Rapporteur, in August 1998. In its resolution 2001/45, the Commission decided to extend the mandate of the Special Rapporteur on extrajudicial, summary or arbitrary executions for three years. The Economic and Social Council, in its decision 2001/266, endorsed that decision. The Commission requested the Special Rapporteur, in carrying out her mandate, to continue to examine situations of extrajudicial, summary or arbitrary executions and to submit her findings on an annual basis, together with conclusions and recommendations, to the Commission, as well as such other reports as the Special Rapporteur deemed necessary in order to keep the Commission informed about serious situations of extrajudicial, summary or arbitrary executions that warrant its immediate attention. The Commission will have before it the report of the Special Rapporteur (E/CN.4/2002/74 and Add.1) (see also paras. 53 above and 118 below).

Question of enforced or involuntary disappearances

114. In pursuance of General Assembly resolution 33/173, the Commission by resolution 20 (XXXVI) of 29 February 1980, decided to establish for a period of one year a working group consisting of five of its members, to serve as experts in their individual capacities, to examine questions relevant to enforced or involuntary disappearances of persons. The Commission has regularly renewed the Group's mandate since this time.

115. In its resolution 2001/46, the Commission decided:

(a) To renew, for a three-year period, the mandate of the Working Group of five independent experts entrusted with the task of investigating enforced or involuntary disappearances and requested the Working Group to report to it at its fifty-eighth session;

(b) To request the Chairperson of the fifty-seventh session of the Commission, after consultations with the Bureau and the regional groups, to appoint an independent expert to examine the existing international criminal and human rights framework for the protection of persons from enforced or involuntary disappearance, taking into account relevant legal instruments at the international and regional levels, intergovernmental arrangements on judicial cooperation, the draft international convention on the protection of all persons from enforced disappearance transmitted by the Sub-Commission on the Promotion and Protection of Human Rights in its resolution 1998/25, and also comments of States and intergovernmental and non-governmental organizations, with a view to identifying any gaps in order to ensure full protection from enforced or involuntary disappearance and to report to the Commission at its fifty-eighth session and to the working group established under the resolution at its first session;

(c) To establish, at its fifty-eighth session, an inter-sessional open-ended working group of the Commission, with the mandate to elaborate, in the light of the findings of the independent expert, a draft legally binding normative instrument for the protection of all persons from enforced disappearance, taking into account, inter alia, the draft international convention on the protection of all persons from enforced disappearance transmitted by the Sub-Commission, for consideration and adoption by the General Assembly.

116. Pursuant to resolution 2001/46, Mr. Manfred Nowak (Austria) was appointed in June 2001 independent expert to examine the existing international criminal and human rights framework for the protection of persons from enforced or involuntary disappearance.

117. The Economic and Social Council, in its decision 2001/221, endorsed the above decisions of the Commission.

118. At the present session, the Commission will have before it the report of the Working Group on Enforced or Involuntary Disappearances (E/CN.4/2002/79) (see also paras. 53 and 113 above) and the report of the independent expert (E/CN.4/2002/71).

Sub-item (c) Freedom of expression

Right to freedom of opinion and expression

119. Pursuant to Commission resolution 1993/45, Mr. Abid Hussain (India) was appointed Special Rapporteur on the right to freedom of opinion and expression. In its resolution 1999/36, the Commission decided to renew the mandate of the Special Rapporteur for a further three years. In its resolution 2001/47, the Commission requested the Special Rapporteur to submit to it at its fifty-eighth session a report covering activities relating to his mandate. At the present session, the Commission will have before it the report of the Special Rapporteur (E/CN.4/2002/75 and Add.1).

Sub-item (d) Independence of the judiciary, administration of justice, impunity

Independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers

120. Pursuant to Commission resolution 1994/41, Mr. Param Cumaraswamy (Malaysia) was appointed Special Rapporteur on the independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers.

121. In its resolution 2000/42, the Commission decided to extend the mandate of the Special Rapporteur for a further period of three years. In its resolution 2001/39, the Commission requested the Special Rapporteur to submit a report on the activities relating to his mandate to the Commission at its fifty-eighth session. The Commission will have before it the report of the Special Rapporteur on the independence of judges and lawyers (E/CN.4/2002/72 and Add.1 and 2).

Human rights in the administration of justice, in particular juvenile justice

122. In its resolution 2000/39, the Commission requested the Secretary-General to submit a report to the Commission at its fifty-eighth session on practical measures for the implementation of the international standards in the field of human rights in the administration of justice, in particular regarding rebuilding and strengthening structures and capacities for the administration of justice in post-conflict situations, and in juvenile justice, as well as the role of technical assistance of the United Nations system in this regard. It also requested the Secretary-General to make available to the Commission at its fifty-eighth session his reports on the administration of juvenile justice, as well as on the activities of the coordination panel on technical advice and assistance in juvenile justice, submitted to the Commission on Crime Prevention and Criminal Justice. The Commission decided to consider the question at its fifty-eighth session.

123. At the present session, the Commission will have before it the report of the Secretary-General (E/CN.4/2002/63) and a note by the Secretary-General transmitting his reports on the administration of juvenile justice, as well as on the activities of the Coordination Panel on Technical Advice and Assistance in Juvenile Justice, submitted to the Commission on Crime Prevention and Criminal Justice (E/CN.4/2002/64).

Right to restitution, compensation and rehabilitation for victims of grave violations of human rights and fundamental freedoms

124. Pursuant to Commission resolution 1998/43, Mr. Charif Bassiouni (Egypt/United States of America) was appointed independent expert to prepare a revised version of the basic principles and guidelines on the right to reparation for victims of [gross] violations of human rights and international humanitarian law elaborated by Mr. van Boven (E/CN.4/1997/104, annex).

125. In its decision 2001/105 the Commission decided to request the United Nations High Commissioner for Human Rights to hold a consultative meeting in Geneva for all interested Governments, international organizations and non-governmental organizations in consultative status with the Economic and Social Council, using available resources, with a view to finalizing the "Basic principles and guidelines on the right to a remedy and reparation for victims of violations of international human rights and humanitarian law" annexed to the final report of the independent expert on the right to restitution, compensation and rehabilitation for victims of grave violations of human rights and fundamental freedoms (E/CN.4/2000/62), on the basis of the comments submitted, and to transmit to the Commission at its fifty-eighth session the final outcome of the consultative meeting for its consideration. The Economic and Social Council, in its decision 2001/279, endorsed the above decision of the Commission. At the present session, the Commission will have before it the report of the High Commissioner for Human Rights (E/CN.4/2002/70).

Other matters

126. In connection with the present sub-item, the attention of the Commission is also drawn to decisions 2001/103, 2001/104 and 2001/105 adopted by the Sub-Commission at its fifty-third session.

Sub-item (e) Religious intolerance

Elimination of all forms of religious intolerance

127. At its forty-second session, in resolution 1986/20, the Commission decided to appoint a special rapporteur to examine incidents and governmental actions which were inconsistent with the provisions of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief (General Assembly resolution 36/55).

128. Mr. Abdelfattah Amor (Tunisia), who succeeded Mr. Angelo d'Almeida Ribeiro (Portugal) as Special Rapporteur, in 1993, submitted successive reports (E/CN.4/1994/79; E/CN.4/1995/91 and Add.1; E/CN.4/1996/95 and Add.1-2; E/CN.4/1997/91 and Add.1; E/CN.4/1998/6 and Add.1-2; E/CN.4/1999/58, Add.1-2; E/CN.4/2000/65 and E/CN.4/2001/63) to the Commission on Human Rights at its fiftieth to fifty-seventh sessions, as well as to the General Assembly at its fiftieth to fifty-sixth sessions (annexes to documents A/50/440; A/51/542 and Add.1-2; A/52/477 and Add.1; A/53/279; A/54/386; A/55/280 and Add.1 and 2, A/56/253).

129. In its resolution 2000/33, the Commission decided to change the title of the Special Rapporteur from Special Rapporteur on religious intolerance to Special Rapporteur on freedom of religion or belief and that that change would be implemented at the next extension of the Special Rapporteur's mandate. At its fifty-seventh session, in resolution 2001/42, the Commission decided to extend for three years the mandate of the Special Rapporteur on religious intolerance, with the new title of Special Rapporteur on freedom of religion or belief, and to request the Special Rapporteur to submit an interim report to the General Assembly at its fifty-sixth session and to report to the Commission at its fifty-eighth session. The Economic and Social Council, in its decision 2001/264, endorsed the above decisions of the Commission.

130. At the present session, the Commission will have before it the report of the Special Rapporteur (E/CN.4/2002/73).

Sub-item (f) States of emergency

131. At its fifty-fourth session, the Commission, in its decision 1998/108, having taken note of the final report and the tenth annual list of States which, since 1 January 1985, had proclaimed, extended or terminated a state of emergency submitted by Mr. Leandro Despouy, the Special Rapporteur of the Sub-Commission (E/CN.4/Sub.2/1997/19 and Add.1), decided to request the Office of the United Nations High Commissioner for Human Rights to submit to the Sub-Commission at its fifty-first session, and every second year thereafter, a list of States in which a state of emergency was proclaimed or was continued during the reporting period. At its fifty-third session, the Sub-Commission had before it a list of States which had proclaimed or continued a state of emergency (E/CN.4/Sub.2/2001/6 and Corr.1) prepared by the Office of the High Commissioner for Human Rights pursuant to Commission decision 1998/108.

Sub-item (g) Conscientious objection to military service

132. In its resolution 1998/77, the Commission requested the Secretary-General to collect information from Governments, the specialized agencies and intergovernmental and non-governmental organizations on recent developments in this field and to submit a report to the Commission. At its fifty-sixth session, the Commission had before it the report of the Secretary-General (E/CN.4/2000/55).

133. In its resolution 2000/34, the Commission requested the Office of the United Nations High Commissioner for Human Rights to prepare a compilation and analysis of best practices in relation to the recognition of the right of everyone to have conscientious objections to military service, as a legitimate exercise of the right to freedom of thought, conscience and religion, and the provision of alternative forms of service, based on the provisions of Commission resolution 1998/77, and to seek such information from Governments, the specialized agencies and relevant intergovernmental and non-governmental organizations, and to submit a report containing this information to the Commission at its fifty-eighth session. At the present session, the Commission will have before it the report of the High Commissioner for Human Rights (E/CN.4/2002/68).

Other matters

134. In connection with the present agenda item, the attention of the Commission is drawn to decision 2001/114 adopted by the Sub-Commission at its fifty-third session.

Item 12. Integration of the human rights of women and the gender perspective:

(a) Violence against women

Traffic in women and girls

135. In its resolution 2001/48, the Commission requested the Secretary-General to provide the Commission at its fifty-eighth session with an update on the report on activities of United Nations bodies and other international organizations pertaining to the problem of trafficking in women and girls. The Commission will have before it the report of the Secretary-General (E/CN.4/2002/80).

Integrating the human rights of women into the human rights mechanisms of the United Nations

136. At its fiftieth session, the Commission adopted resolution 1994/45, entitled "The question of integrating the rights of women into the human rights mechanism of the United Nations and the elimination of violence against women", in which, inter alia, it called for intensified effort at the international level to integrate the equal status of women and the human rights of women into the mainstream of United Nations system-wide activity and to address these issues regularly and systematically throughout relevant United Nations bodies and mechanisms.

137. In its resolution 2001/50, the Commission requested all special procedures and other human rights mechanisms of the Commission on Human Rights and the Sub-Commission for the Promotion and Protection of Human Rights regularly and systematically to take a gender perspective into account in the implementation of their mandates and to include in their reports information on and qualitative analysis of human rights of women and girls. The Commission decided to integrate a gender perspective into all agenda items of the Commission. The Economic and Social Council, in its decision 2001/267, approved the request and endorsed the decision of the Commission. The Commission welcomed the cooperation and coordination between the Division for the Advancement of Women and the Office of the United Nations High Commissioner for Human Rights aimed at mainstreaming the human rights of women and the report of the Secretary-General on the joint work plan for the year 2001 (E/CN.4/2001/70-E/CN.6/2001/3), and encouraged the Secretary-General to ensure its implementation, to continue to elaborate that plan, reflecting all aspects of work under way and the lessons learned, to identify obstacles/impediments and areas for further collaboration and to make it available to the Commission on Human Rights at its fifty-eighth session and to the Commission on the Status of Women at its forty-sixth session. The Commission will have before it the joint work plan in document E/CN.4/2002/82-E/CN.6/2002/6. The Commission also requested the Secretary-General to report, at its fifty-eighth session, on the implementation of the resolution. Pursuant to that request, the Commission will have before it the report of the Secretary-General (E/CN.4/2002/81).

Sub-item (a) Violence against women

Elimination of violence against women

138. At its fiftieth session, in resolution 1994/45, the Commission decided to appoint, for a three-year period, a special rapporteur on violence against women, including its causes and consequences. Subsequently, Ms. Radhika Coomaraswamy (Sri Lanka) was appointed Special Rapporteur. In its resolution 1997/44, the Commission requested the Special Rapporteur to report annually to the Commission on activities relating to her mandate. Pursuant to resolution 2000/45, the mandate of the Special Rapporteur was renewed for a period of three years. In its resolution 2001/49, the Commission decided to continue consideration of the question as a matter of high priority at its fifty-eighth session. The Commission will have before it the report of the Special Rapporteur (E/CN.4/2002/83 and Add.1-3).

Other matters

139. In connection with the present agenda item, the attention of the Commission is drawn to resolutions 2001/13, 2001/14 (paras. 25-41), 2001/15 and 2001/20 adopted by the Sub-Commission on the Promotion and Protection of Human Rights at its fifty-third session (see E/CN.4/2002/2-E/CN.4/Sub.2/2001/40, chap. II, sect. A).

Item 13. Rights of the child

140. In its resolution 2001/75, the Commission requested the Office of the United Nations High Commissioner for Human Rights, United Nations mechanisms, all relevant organs of the United Nations system, in particular special representatives, special rapporteurs and

working groups regularly and systematically to include a child rights perspective in the fulfilment of the mandates. The Economic and Social Council, in its decision 2001/274, approved that request.

Children and armed conflict

141. At its fifty-first session, the General Assembly, in its resolution 51/77, recommended that the Secretary-General appoint for a period of three years a special representative on the impact of armed conflict on children and requested the special representative to submit to the General Assembly and the Commission on Human Rights an annual report containing relevant information on the situation of children affected by armed conflict. Mr. Olara Otunnu (Côte d'Ivoire) was subsequently nominated as Special Representative of the Secretary-General for children and armed conflict. At its present session, the Commission will have before it the reports of the Special Representative (E/CN.4/2002/85 and Add.1 and A/56/453). The attention of the Commission is also drawn to the report of the Secretary-General on this subject (A/56/342-S/2001/852).

Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography

142. At its forty-eighth session, in its resolution 1992/74, the Commission adopted the Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography. The Commission requested all States to inform the Sub-Commission periodically of measures adopted to implement the Programme of Action and on the efficacy of such measures and requested the Sub-Commission to submit every two years a report to the Commission on the state of implementation of the Programme of Action by all States.

143. At the present session, the Commission will have before it a note by the Secretariat (E/CN.4/2002/87) transmitting the report of the Secretary-General submitted to the Sub-Commission at its fifty-second session (E/CN.4/Sub.2/2001/4), containing the replies received from States concerning the implementation of the Programme of Action.

Special Rapporteur on the sale of children, child prostitution and child pornography

144. At its forty-sixth session, in its resolution 1990/68, the Commission decided to appoint a special rapporteur to consider matters relating to the sale of children, child prostitution and child pornography, including the problem of the adoption of children for commercial purposes. Subsequently, Mr. Vitit Muntarbhorn (Thailand) was appointed Special Rapporteur. Following the resignation of Mr. Muntarbhorn in October 1994, Ms. Ofelia Calcetas-Santos (Philippines) was appointed Special Rapporteur. Following the resignation of Ms. Calcetas-Santos in April 2001, Mr. Juan Miguel Petit (Uruguay) was appointed Special Rapporteur, in June 2001.

145. In its resolution 2001/75, the Commission decided to renew the mandate of the Special Rapporteur on the sale of children, child prostitution and child pornography for a further three years and to request the Special Rapporteur to submit a report to the Commission at its

fifty-eighth session. The Economic and Social Council, in its decision 2001/274, endorsed the decision of the Commission. At the present session, the Commission will have before it the preliminary report of the Special Rapporteur (E/CN.4/2002/88).

Status of the Convention on the Rights of the Child

146. Also in its resolution 2001/75, the Commission requested the Secretary-General to submit to the Commission at its fifty-eighth session a report on the rights of the child, with information on the status of the Convention on the Rights of the Child and of the two Optional Protocols to the Convention on the Rights of the Child on involvement of children in armed conflict and on the sale of children, child prostitution and child pornography, as well as on the problems addressed in that resolution. At the present session, the Commission will have before it the report of the Secretary-General (E/CN.4/2002/84). The reports of the Committee on the Rights of the Child on its twenty-seventh (CRC/C/108) and twenty-eighth (CRC/C/111) sessions will be available. The Committee will hold its twenty-ninth session from 14 January to 1 February 2002.

Abduction of children from northern Uganda

147. At its fifty-sixth session, the Commission, in resolution 2000/60, expressing profound concern at the continuing abduction, torture, detention, rape, enslavement and forced recruitment of children from northern Uganda, requested the Office of the United Nations High Commissioner for Human Rights to undertake an assessment of the situation on the ground in the affected areas, including the needs of the victims, in full consultation with the relevant United Nations organizations and non-governmental organizations. In its resolution 2001/74, the Commission underscored the gravity of the matter and urged the United Nations and the international community to continue concerted efforts aimed at improving the situation concerning the abduction of children and meeting the needs of the victims, and decided to continue its consideration of the question at its fifty-eighth session. At its present session, the Commission will have before it a report by the High Commissioner (E/CN.4/2002/86).

Item 14. Specific groups and individuals:

(a) Migrant workers

(b) Minorities

(c) Mass exoduses and displaced persons

(d) Other vulnerable groups and individuals

Sub-item (a) Migrant workers

Violence against women migrant workers

148. In its resolution 2000/54, the Commission requested the Secretary-General to submit to it at its fifty-eighth session a comprehensive follow-up report on the problem of violence against

women migrant workers, taking into account the views of States and based on all available information from authorities and bodies within the United Nations system, intergovernmental organizations and other sources, including non-governmental organizations. The Commission decided to continue its consideration of the question at its fifty-eighth session. The Commission will have before it the report of the Secretary-General (E/CN.4/2002/90).

Human rights of migrants

149. At its fifty-fifth session, the Commission, in its resolution 1999/44, decided to appoint, for a three-year period, a special rapporteur on the human rights of migrants to examine ways and means to overcome the obstacles existing to the full and effective protection of the human rights of this vulnerable group, including obstacles and difficulties for the return of migrants who are non-documented or in an irregular situation. The Economic and Social Council approved that decision in its decision 1999/239. Ms. Gabriela Rodríguez Pizarro (Costa Rica) was appointed Special Rapporteur, in August 1999.

150. In its resolution 2001/52, the Commission requested the Special Rapporteur to submit a report on her activities to the Commission at its fifty-eighth session. The Commission will have before it the report of the Special Rapporteur (E/CN.4/2002/94 and Add.1).

International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

151. In its resolution 2001/53, the Commission requested the Secretary-General to submit to it at its fifty-eighth session a report on the status of the Convention and on the efforts made by the Secretariat to promote the Convention and the protection of the rights of migrant workers. The Commission will have before it the report of the Secretary-General (E/CN.4/2002/89).

Protection of migrants and their families

152. In its resolution 2001/56, the Commission decided to consider this matter further at its fifty-eighth session.

Sub-item (b) Minorities

Tolerance and pluralism as indivisible elements in the promotion and protection of human rights

153. In its resolution 2000/50, the Commission called upon the High Commissioner and her Office to include details of activities undertaken by the Office to implement that resolution in her report to the Commission at its fifty-eighth session. The Commission decided to consider the question at its fifty-eighth session (see also para. 15 above).

154. In its resolution 2000/52, the Commission invited the Office of the United Nations High Commissioner for Human Rights to consider favourably the recommendation of the Working Group on Minorities to organize a seminar for representatives of international and regional organizations, treaty bodies and specialized agencies, to discuss issues concerning their

respective work on the protection of minorities, improve coordination so as to reduce duplication and parallel activities, exchange information and seek ways of better protecting the rights of persons belonging to minorities. At the present session, the Commission will have before it a note by the High Commissioner transmitting the report of that seminar (E/CN.4/2002/92).

Rights of persons belonging to national or ethnic, religious and linguistic minorities

155. In its resolution 49/192, the General Assembly called upon the Commission on Human Rights to examine, as a matter of priority, ways and means to promote and protect effectively the rights of persons belonging to minorities as set out in the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities. Pursuant to Commission resolution 1995/24, the Sub-Commission established, initially for a three-year period, an inter-sessional working group consisting of five of its members to meet each year for five working days, in particular to:

(a) Review the promotion and practical realization of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities;

(b) Examine possible solutions to problems involving minorities, including the promotion of mutual understanding between and among minorities and Governments; and

(c) Recommend further measures, as appropriate, for the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities.

156. In its resolution 1998/19, the Commission decided to extend the mandate of the Working Group with a view to its holding one session of five working days annually.

157. In its resolution 2001/55, the Commission requested the Secretary-General to report to the Commission at its fifty-eighth session on the implementation of that resolution. The Commission will have before it the report of the Secretary-General (E/CN.4/2002/91 and Add.1) and the report of the Working Group on its seventh session (E/CN.4/Sub.2/2001/22).

158. In connection with this sub-item, the attention of the Commission is drawn to resolution 2001/9 (para. 5) adopted by the Sub-Commission at its fifty-third session.

Sub-item (c) Mass exoduses and displaced persons

Internally displaced persons

159. In its resolution 2001/54, the Commission decided to extend for a further three years the mandate of the Representative of the Secretary-General on internally displaced persons and requested the Representative of the Secretary-General to continue to report on his activities to the General Assembly and to the Commission on Human Rights. The Economic and Social Council, in its decision 2001/269, endorsed the above decision of the Commission. The Commission will have before it the report of the Representative of the Secretary-General on internally displaced persons (E/CN.4/2002/95 and Add.1 and 2). The Commission will also have the report of the seminar on internal displacement in Indonesia (E/CN.4/2002/95/Add.3).

Human rights and mass exoduses

160. At its fifty-sixth session, the Commission, in its resolution 2000/55, requested the United Nations High Commissioner for Human Rights to prepare and submit to the Commission at its fifty-ninth session, within existing resources, a report on measures taken to implement the resolution and obstacles to its implementation, including information on measures taken by the Office of the United Nations High Commissioner for Human Rights and other relevant United Nations bodies, taking into account information and comments provided by Governments, intergovernmental organizations, specialized agencies and non-governmental organizations. The Commission decided to continue its consideration of the question at its fifty-ninth session.

161. In connection with this sub-item, the attention of the Commission is also drawn to decision 2001/112 adopted by the Sub-Commission at its fifty-third session.

Sub-item (d) Other vulnerable groups and individuals

The protection of human rights in the context of human immunodeficiency virus (HIV) and acquired immunodeficiency syndrome (AIDS)

162. In its resolution 2001/51, the Commission requested all special representatives, special rapporteurs and working groups of the Commission to integrate the protection of HIV-related human rights within their respective mandates. The Economic and Social Council, in its decision 2001/268, approved the request of the Commission. The Commission also requested the Secretary-General to solicit comments from Governments, United Nations organs, programmes and specialized agencies and international and non-governmental organizations on the steps they had taken to promote and implement, where applicable, the Guidelines on HIV/AIDS and human rights and that resolution, and to submit, in consultation with interested parties, a progress report for consideration at its fifty-ninth session.

Contemporary forms of slavery

163. In its resolution 1999/46, the Commission requested the Secretary-General to transmit to Governments an appeal for contributions to the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery. At the present session, the Commission will have before it the report of the Secretary-General on the financial situation of the Fund (E/CN.4/2002/93 and Add.1). The attention of the Commission is also drawn to resolution 2001/14 (paras. 25 and 38) adopted by the Sub-Commission at its fifty-third session.

Human rights of persons with disabilities

164. In its resolution 2000/51, the Commission decided to continue its consideration of the question of human rights of persons with disabilities at its fifty-eighth session.

Other matters

165. In connection with the present agenda item, the attention of the Commission is drawn to draft decision 6 in chapter I of the report of the Sub-Commission on its fifty-third session (E/CN.4/2002/2-E/CN.4/Sub.2/2001/40), recommended to the Commission on Human Rights for adoption.

Item 15. Indigenous issues

Human rights and indigenous issues

166. In its resolution 2001/57, the Commission decided:

(a) To appoint, for a three-year period, a special rapporteur on the situation of human rights and fundamental freedoms of indigenous people, with the following functions:

(i) To gather, request, receive and exchange information and communications from all relevant sources, including Governments, indigenous people themselves and their communities and organizations, on violations of their human rights and fundamental freedoms;

(ii) To formulate recommendations and proposals on appropriate measures and activities to prevent and remedy violations of the human rights and fundamental freedoms of indigenous people;

(iii) To work in close relation with other special rapporteurs, special representatives, working groups and independent experts of the Commission and of the Sub-Commission on the Promotion and Protection of Human Rights, taking into account the request of the Commission contained in its resolution 1993/30 of 5 March 1993;

(b) To invite the Special Rapporteur:

(i) To take into account a gender perspective while in carrying out her/his mandate, paying special attention to discrimination against indigenous women;

(ii) To pay special attention to violations of the human rights and fundamental freedoms of indigenous children;

(iii) To take into account, in carrying out his/her task, all the recommendations of the Working Group on Indigenous Populations of the Sub-Commission on the Promotion and Protection of Human Rights and of the Permanent Forum on Indigenous Issues relevant to her/his mandate;

(iv) To consider, in performing his/her work, the recommendations of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance on matters concerning his/her mandate;

(c) To request the Chairperson of the Commission, following formal consultations with the Bureau and the regional groups through the regional coordinators, to appoint as special rapporteur an individual of recognized international standing and experience;

(d) To request the Special Rapporteur to submit annual reports on his/her activities to the Commission, starting at its fifty-eighth session;

(e) To request the Secretary-General and the United Nations High Commissioner for Human Rights to provide all the necessary human, technical and financial assistance to the Special Rapporteur for the fulfilment of his mandate.

167. The Economic and Social Council, in its decision 2001/222, endorsed the above decisions of the Commission.

168. On 22 June 2001, the Chairperson of the fifty-seventh session of the Commission, pursuant to resolution 2001/57, appointed Mr. Rodolfo Stavenhagen (Mexico) Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people. At the present session, the Commission will have before it the report of the Special Rapporteur (E/CN.4/2002/97).

Working Group of the Commission on Human Rights to elaborate a draft declaration in accordance with paragraph 5 of General Assembly resolution 49/214 of 23 December 1994

169. In its resolution 1995/32, the Commission decided to establish an open-ended inter-sessional working group of the Commission with the sole purpose of elaborating a draft declaration, considering the draft contained in the annex to Sub-Commission resolution 1994/45, entitled "draft United Nations declaration on the rights of indigenous peoples". In its resolution 2001/58, the Commission recommended that the working group meet for 10 working days prior to the fifty-eighth session of the Commission and requested it to submit a progress report for consideration by the Commission at its fifty-eighth session. The Economic and Social Council endorsed that decision in its decision 2001/270. The working group will meet from 28 January to 8 February 2002. The Commission will have before it the report of the working group (E/CN.4/2002/98).

Working Group on Indigenous Populations of the Sub-Commission on the Promotion and Protection of Human Rights and the International Decade of the World's Indigenous People

170. The General Assembly, in its resolution 48/163 of 21 December 1993, proclaimed the International Decade of the World's Indigenous People commencing on 10 December 1994. In its resolution 50/157, the General Assembly adopted the Programme of Activities for the International Decade of the World's Indigenous People as contained in the annex to the resolution and requested the Secretary-General to report on progress made at the national,

regional and international levels to the General Assembly. In its resolution 2001/59, the Commission requested the High Commissioner, in her capacity as Coordinator of the Decade, to submit an updated annual report reviewing activities within the United Nations system under the programme of activities for the International Decade of the World's Indigenous People to the Commission at its fifty-eighth session. The Commission will have before it the report of the High Commissioner (E/CN.4/2002/96). This report also contains relevant information on the financial status and activities of the Voluntary Fund for Indigenous Populations and the Voluntary Fund for the International Decade of the World's Indigenous People.

Permanent Forum on Indigenous Issues

171. The Commission on Human Rights, in its resolution 1998/20, decided to establish an open-ended inter-sessional ad hoc working group to elaborate and consider further proposals for the possible establishment of a permanent forum for indigenous people in the United Nations system. At its fifty-fifth and fifty-sixth sessions, the Commission had before it the reports of the working group (E/CN.4/1999/83 and E/CN.4/2000/86, respectively). In its resolution 2000/87, the Commission recommended to the Economic and Social Council for adoption a draft resolution providing for the establishment of a permanent forum on indigenous issues as a subsidiary body of the Council. The Economic and Social Council approved the draft resolution, which became Council resolution 2000/22, thereby establishing the Permanent Forum on Indigenous Issues. In the resolution, the Council, inter alia, decided that once the Permanent Forum had been established and had held its first annual session, the Council would review, without prejudging any outcome, all existing mechanisms, procedures and programmes within the United Nations concerning indigenous issues, including the Working Group on Indigenous Populations, with a view to rationalizing activities, avoiding duplication and overlap and promoting effectiveness.

172. The Economic and Social Council, in its decision 2001/316, decided, inter alia, to convene the first annual session of the Forum at United Nations Headquarters from 6 to 17 May 2002, without prejudice to any future venue of the Forum, and to request the Secretary-General to seek information from Governments, non-governmental organizations, indigenous people's organizations, the Permanent Forum on Indigenous Issues and all existing mechanisms, procedures and programmes within the United Nations concerning indigenous issues, including the Working Group on Indigenous Populations, as a basis for holding the review mandated in paragraph 8 of Council resolution 2000/22 as soon as possible and not later than the substantive session of 2003 of the Council.

Other matters

173. In connection with the present agenda item, the attention of the Commission is also drawn to draft decisions 2, 3 and 7 in chapter I of the report of the Sub-Commission on its fifty-third session (E/CN.4/2001/2-E/CN.4/Sub.2/2000/46), recommended to the Commission on Human Rights for adoption, and to resolutions 2001/10 (paras. 3, 6, 13, 16 and 20) and 2001/12 (paras. 4, 12, 13, 14, 15 and 16) and decisions 2001/109, 2001/111 and 2001/112 of the Sub-Commission.

Item 16. Report of the Sub-Commission on the Promotion and Protection of Human Rights:

(a) Report and draft decisions

(b) Election of members

Sub-item (a) Report and draft decisions

174. The report of the Sub-Commission on its fifty-third session is contained in document E/CN.4/2002/2-E/CN.4/Sub.2/2001/40.

175. At its fifty-third session, the Sub-Commission adopted 24 resolutions and 22 decisions.

176. Chapter I of the report of the Sub-Commission contains nine draft decisions proposed to the Commission for action. They are as follows:

1. Promotion of the realization of the right to drinking water and sanitation

2. Working Group on Indigenous Populations

3. International Decade of the World's Indigenous People

4. Terrorism and human rights

5. The Social Forum

6. The rights of non-citizens

7. Presentation of the report of the Working Group on Indigenous Populations on its nineteenth session to the Permanent Forum on Indigenous Issues

8. Measures to improve the functioning of the Sub-Commission on the Promotion and Protection of Human Rights

9. Request to the Commission on Human Rights to restore the fourth week of the Sub-Commission's annual session.

177. At its fifty-sixth session, the Commission accepted the recommendation of its Bureau and agreed that action on all draft proposals recommended by the Sub-Commission should be taken under the relevant agenda items of the Commission (E/2000/23-E/CN.4/2000/167, para. 19).

178. Annex V to the report of the Sub-Commission contains a list of the resolutions and decisions of the Sub-Commission referring to matters which are drawn to the attention of the Commission.

179. In its resolution 2001/60, the Commission invited the Chairperson of the fifty-third session of the Sub-Commission to report to the Commission at its fifty-eighth session, including an assessment of how recent enhancements of the effectiveness of the Sub-Commission and of its mechanisms have worked in practice. The Commission will have before it the report of the Chairperson of the fifty-third session of the Sub-Commission (E/CN.4/2002/99).

180. In connection with the present sub-item of the agenda, the attention of the Commission is also drawn to draft decisions 8 and 9 in chapter I of the report of the Sub-Commission on its fifty-third session (E/CN.4/2001/2-E/CN.4/Sub.2/2000/46), recommended to the Commission on Human Rights for adoption.

Sub-item (b) Election of members

181. In accordance with Economic and Social Council resolution 1334 (XLIV) of 31 May 1968 and 1986/35 of 23 May 1986 and decisions 1978/21 of 5 May 1978 and 1987/102 of 6 February 1987, the Commission on Human Rights, at its forty-fourth session in 1988, elected 26 members of the Sub-Commission, as well as their alternates, if any, from nominations of experts made by States Members of the United Nations on the following basis: 7 members from African States; 5 members from Asian States; 3 members from Eastern European States; 5 members from Latin American States; and 6 members from Western European and other States.

182. Pursuant to the procedure established in Council resolution 1986/35, members of the Sub-Commission are elected for a term of four years and half of its membership and the corresponding alternates, if any, are elected every two years.

183. In 2002, when the term of office of half of the membership of the Sub-Commission will expire, the Commission, at its fifty-eighth session, will elect 13 Sub-Commission members and their alternates, if any, in accordance with the following pattern: 3 members from African States; 3 members from Asian States; 1 member from Eastern European States; 3 members from Latin American and Caribbean States; and 3 members from Western European and other States.

184. At its fifty-eighth session, the Commission will have before it a note by the Secretary-General (E/CN.4/2002/100 and addenda) containing the names and biographical data of the candidates nominated for election by Member States.

185. In its resolution 2001/60, the Commission reaffirmed its requests to States:

(a) When nominating and electing members and alternates to the Sub-Commission, to be conscious of the strong concern to ensure that the body is independent and is seen to be so;

(b) When nominating and electing members and alternates to the Sub-Commission, to keep in mind the need for a balanced accommodation of the benefits of continuity and the importance of renewal;

(c) When nominating candidates for the Sub-Commission, to submit nominations, if possible, at least two months prior to the beginning of the session at which they will be elected, so as to enable the members of the Commission thoroughly to assess the qualifications and the independence of the nominees.

186. The attention of the Commission is also drawn to Economic and Social Council resolution 1983/32, by which the Council decided that, notwithstanding paragraph 2 of article 13 of the rules of procedure of the functional commissions of the Council, certain rules should henceforth apply to the Sub-Commission. Under these rules, the nomination of a candidate for membership of the Sub-Commission may be accompanied by a nomination of an expert of the same nationality, to be elected simultaneously with the candidate for membership, who may serve temporarily as an alternate if the member is unable to attend; the qualifications for alternates are to be the same as for members and no person may serve as an alternate for a member except the expert so elected.

Item 17. Promotion and protection of human rights:

(a) Status of the International Covenants on Human Rights

(b) Human rights defenders

(c) Information and education

(d) Science and environment

Promotion of the right to a democratic and equitable international order

187. In its resolution 2001/65, the Commission decided to continue consideration of the matter at its fifty-eighth session.

Convention on the Prevention and Punishment of the Crime of Genocide

188. In its resolution 2001/66, the Commission decided to examine the matter at its fifty-ninth session.

Enhancement of international cooperation in the field of human rights

189. In its resolution 2001/67, the Commission decided to continue its consideration of this question, as a matter of priority, at its fifty-eighth session.

Promotion of the right of peoples to peace

190. In its resolution 2001/69, the Commission decided to continue considering the issue at its fifty-eighth session.

Human rights and international solidarity

191. In its resolution 2001/73, the Commission decided to continue its examination of this issue at its fifty-eighth session.

Human rights and human responsibilities

192. In its resolution 2000/63, the Commission requested the Sub-Commission on the Promotion and Protection of Human Rights to undertake a study on the issue of human rights and human responsibilities and to submit an interim study to the Commission at its fifty-seventh session and a complete study to the Commission at its fifty-eighth session. At its fifty-second session, the Sub-Commission decided, in its decision 2000/111, to appoint Sub-Commission member Miguel Alfonso Martínez to undertake a study on the issue of human rights and human responsibilities. The Commission on Human Rights, in its decision 2001/115, decided to recommend to the Economic and Social Council that it authorize the Sub-Commission to appoint Mr. Miguel Alfonso Martínez to undertake a study on the issue of human rights and human responsibilities and to submit a preliminary report to the Commission at its fifty-eighth session and a final report at its fifty-ninth session. The Economic and Social Council, in its decision 2001/285, authorized the appointment. At the present session, the Commission will have before it the report of the expert of the Sub-Commission (E/CN.4/2002/107).

The role of good governance in the promotion of human rights

193. In its resolution 2001/72, the Commission welcomed the provision by States of practical examples of activities that had been effective in strengthening good governance practices for the promotion of human rights at the national level, including activities in the context of development cooperation between States, for inclusion in a compilation of indicative ideas and practices that could be consulted by the interested States when required, in response to the invitation of the United Nations High Commissioner for Human Rights issued pursuant to paragraph 3 of Commission resolution 2000/64, and requested the High Commissioner to reiterate this invitation to States and to extend it to United Nations and other relevant international bodies. The Commission invited the High Commissioner, where appropriate and relevant, to draw on her work on the material provided in response to the invitations issued pursuant to paragraph 3 of that resolution and paragraph 3 of resolution 2000/64 and to inform the Commission of the utility of the material in this respect. The Commission decided to continue consideration of the question of the role of good governance in the promotion of human rights at its fifty-eighth session. At the present session, the Commission will have before it a note by the Secretariat (E/CN.4/2002/105).

The question of the death penalty

194. At its fifty-sixth session, the Commission had before it the sixth quinquennial report of the Secretary-General on capital punishment and implementation of the Safeguards guaranteeing protection of the rights of those facing the death penalty, submitted in accordance with Economic and Social Council resolution 1995/57 of 28 July 1995 (E/2000/3). In its resolution 2001/68, the Commission requested the Secretary-General to continue to submit to the Commission on

Human Rights, at its fifty-eighth session, in consultation with Governments, specialized agencies and intergovernmental and non-governmental organizations, a yearly supplement on changes in law and practice concerning the death penalty worldwide to his quinquennial report on capital punishment and implementation of the Safeguards guaranteeing protection of the rights of those facing the death penalty, paying special attention to the imposition of the death penalty against persons younger than 18 years of age at the time of the offence. The Commission decided to continue consideration of the matter at its fifty-eighth session. At the present session, the Commission will have before it a note by the Secretariat transmitting the report of the Secretary-General (E/CN.4/2002/108).

Impunity

195. In its resolution 2001/70, the Commission requested the Secretary-General to seek the views of Governments, intergovernmental and non-governmental organizations on the issue of the possible appointment of an independent expert charged with examining all aspects of the issue of impunity of perpetrators of human rights violations, with a view to a decision on this matter at the fifty-eighth session of the Commission. The Secretary-General was also requested again to invite States to provide information on any legislative, administrative or other steps they have taken to combat impunity for human rights violations in their territory and to provide information on remedies available to the victims of such violations. The Commission further requested the Secretary-General to collect the information and comments received pursuant to that resolution and to submit a report thereon to the Commission at its fifty-eighth session. The Commission will have before it the report of the Secretary-General (E/CN.4/2002/102).

Fundamental standards of humanity

196. In its decision 2001/112, the Commission, recalling its resolution 2000/69 and taking note of the report of the Secretary-General on fundamental standards of humanity (E/CN.4/2001/91), decided to consider the question of fundamental standards of humanity at its fifty-eighth session and to request the Secretary-General, in consultation with the International Committee of the Red Cross, to submit a further report to the Commission at its fifty-eighth session, covering relevant developments. The Commission will have before it the report of the Secretary-General (E/CN.4/2002/103).

Sub-item (a) Status of the International Covenants on Human Rights

Status of the International Covenants on Human Rights

197. In its resolution 2000/67, the Commission requested the Secretary-General to submit to it, at its fifty-seventh and fifty-eighth sessions, a report on the status of the International Covenant on Economic, Social and Cultural Rights and on the International Covenant on Civil and Political Rights and its Optional Protocols, including all reservations and declarations. The Commission will have before it the report of the Secretary-General (E/CN.4/2002/101).

198. For the text of reservations, declarations, notifications and objections relating to the International Covenant on Economic, Social and Cultural Rights see document E/C.12/1993/3/Rev.5 of 25 October 2001; relating to the International Covenant on Civil and Political Rights and the Optional Protocols thereto, consult the Web site of the Office of the United Nations High Commissioner for Human Rights (*www.unhchr.ch*).

Sub-item (b) Human rights defenders

Human rights defenders

199. The General Assembly, in its resolution 53/144 of 9 December 1998, adopted the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, annexed to that resolution. The Assembly invited Governments, agencies and organizations of the United Nations system and intergovernmental and non-governmental organizations to intensify their efforts to disseminate the Declaration and to promote universal respect and understanding thereof.

200. In its resolution 2000/61, the Commission requested the Secretary-General to appoint, for a period of three years, a special representative who would report on the situation of human rights defenders in all parts of the world and on possible means to enhance their protection in full compliance with the Declaration. Ms. Hina Jilani (Pakistan) was appointed Special Representative of the Secretary-General, in August 2000. The Commission requested the Special Representative to submit annual reports on her activities to the Commission and to the General Assembly and to make any suggestions and recommendations enabling him or her better to carry out his or her tasks and activities.

201. In its resolution 2001/64, the Commission decided to consider this question at its fifty-eighth session. The Commission will have before it the report of the Special Representative (E/CN.4/2002/106 and Add.1 and 2).

Sub-item (c) Information and education

United Nations Decade for Human Rights Education (1995-2004)

202. In its resolution 2001/61, the Commission requested the High Commissioner to bring the recommendations of the mid-term global evaluation report and that resolution to the attention of all members of the international community and of intergovernmental and non-governmental organizations concerned with human rights education and public information, and to report to the Commission, at its fifty-eighth session, on progress made towards the implementation of that resolution. At the present session, the Commission will have before it the report of the High Commissioner (E/CN.4/2002/104).

Development of public information activities in the field of human rights, including the World Public Information Campaign on Human Rights

203. At its fifty-seventh session, the Commission, in its resolution 2001/63, requested the Secretary-General to submit to it, at its fifty-ninth session, a report on public information activities, with special emphasis on activities relating to the World Public Information Campaign on Human Rights and to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and its follow-up. The Commission decided to continue its consideration of this question at its fifty-ninth session under the same agenda item, in connection with the question of the United Nations Decade for Human Rights Education, 1995-2004.

Sub-item (d) Science and environment

Human rights and bioethics

204. In its resolution 2001/71, the Commission invited the Secretary-General to draw up proposals, on the basis of contributions from Governments, United Nations organizations and the specialized agencies and for consideration by the General Assembly at its fifty-sixth session, concerning ways to ensure proper coordination of activities and thinking on bioethics throughout the United Nations system and to consider establishing a working group of independent experts from, inter alia, the United Nations Educational, Scientific and Cultural Organization, the World Health Organization and the World Intellectual Property Organization, which would reflect, in particular, on the possible follow-up to the Universal Declaration on the Human Genome and Human Rights and report to the Secretary-General within a period to be determined by him. The Economic and Social Council, in its decision 2001/273, approved the above request of the Commission.

205. In the same resolution, the Commission invited Governments to consider establishing independent, multidisciplinary and pluralist committees of ethics to assess, notably in conjunction with the International Bioethics Committee of the United Nations Educational, Scientific and Cultural Organization, the ethical, social and human questions raised by the biomedical research undergone by human beings and, in particular, research relating to the human genome and its applications, and also invited them to inform the Secretary-General of the establishment of any such bodies, with a view to promoting exchanges of experience between such institutions. The Commission requested again the Sub-Commission on the Promotion and Protection of Human Rights to consider what contribution it could make to the reflections of the International Bioethics Committee on the follow-up to the Universal Declaration on the Human Genome and Human Rights and to report on this matter to the Commission at its fifty-ninth session. The Commission requested the Secretary-General to submit a report based on these contributions for consideration by the Commission at its fifty-ninth session. The attention of the Commission is also drawn to decision 2001/113 adopted by the Sub-Commission on the Promotion and Protection of Human Rights at its fifty-third session.

Science and the environment

206. In its decision 2001/111, the Commission on Human Rights decided to invite the United Nations High Commissioner for Human Rights and the Executive Director of the United Nations Environment Programme to consider, taking into account their respective approved work programmes and budgets, the organization of a joint seminar, to be funded through voluntary contributions, to review and assess progress achieved since the Conference in promoting and protecting human rights in relation to environmental questions and in the framework of Agenda 21 (A/CONF.151/26/Rev.1, Vol. 1 and Corr.1, resolution 1, annex II), in collaboration with the concerned international institutions and agencies and taking into account the views of concerned States, and to consider this question at its fifty-eighth session. The Commission will have before it a note by the High Commissioner transmitting the report of the seminar on human rights and the environment (E/CN.4/2002/109).

Item 18. Effective functioning of human rights mechanisms:

(a) Treaty bodies

(b) National institutions and regional arrangements

(c) Adaptation and strengthening of the United Nations machinery for human rights

Sub-item (a) Treaty bodies

Effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights

207. In its resolution 2000/75, the Commission requested the Secretary-General to report to the Commission at its fifty-eighth session on measures taken to implement that resolution and obstacles to its implementation, and on measures taken or planned to ensure financing and adequate staff and information resources for the effective operation of the human rights treaty bodies. The Commission decided to consider this question on a priority basis at its fifty-eighth session. At the present session, the Commission will have before it the report of the Secretary-General (E/CN.4/2002/110).

Equitable geographical distribution of the membership of the human rights treaty bodies

208. In its resolution 2001/76, the Commission decided to recommend that the General Assembly encourage States parties to the United Nations human rights instruments to establish quota distribution systems by geographical region for the election of the members of the treaty bodies. The Economic and Social Council, in its decision 2001/275, endorsed the decision of the Commission. The Commission decided to continue its consideration of this question at its fifty-eighth session.

Sub-item (b) National institutions and regional arrangements

Regional cooperation for the promotion and protection of human rights in the Asian and Pacific region

209. In its resolution 2001/77, the Commission requested the Secretary-General to submit to the Commission at its fifty-eighth session a report containing the conclusions of the tenth Workshop on Regional Arrangements for the Promotion and Protection of Human Rights in the Asian and Pacific region and information on the progress achieved in the implementation of that resolution. The Commission will have before it the report of the Secretary-General (E/CN.4/2002/113).

Regional arrangements for the promotion and protection of human rights

210. At its fifty-seventh session, the Commission, in its resolution 2001/79, requested the Secretary-General to submit to it at its fifty-ninth session a report on the state of regional arrangements for the promotion and protection of human rights, to formulate concrete proposals and recommendations on ways and means to strengthen cooperation between the United Nations and regional arrangements in the field of human rights and to include therein the results of action taken in pursuance of that resolution. The Commission decided to consider this question further at its fifty-ninth session.

National institutions for the promotion and protection of human rights

211. In its resolution 2001/80, the Commission requested the Secretary-General to report to the Commission at its fifty-eighth session on the implementation of that resolution. The Commission will have before it the report of the Secretary-General (E/CN.4/2002/114).

Sub-item (c) Adaptation and strengthening of the United Nations machinery for human rights

Composition of the staff of the Office of the United Nations High Commissioner for Human Rights

212. In its resolution 2001/78, the Commission requested the United Nations High Commissioner for Human Rights to submit a comprehensive report on the implementation of that resolution to the Commission at its fifty-eighth session, which should include:

(a) The composition of the staff of the Office, organized by the five United Nations regional groups established by the General Assembly and reflecting, inter alia, grade, nationality and gender, including with regard to non-regular staff;

(b) Measures adopted to improve the current situation and their results;

(c) Recommendations to improve the current situation.

213. The Commission will have before it the report of the High Commissioner (E/CN.4/2002/115).

The protection of United Nations personnel

214. In its resolution 2000/77, the Commission recalled the request to the Secretary-General to complete the review of security in peacekeeping and other operations and to compile examples of best practices, obstacles encountered and lessons learned and to elaborate further specific and practical measures to increase the safety and security of personnel involved, and requested him to inform the Commission of the results in that respect at its fifty-eighth session. The Commission requested the Secretary-General to submit to the Commission at its fifty-eighth session a report on the situation of United Nations and associated personnel carrying out activities in fulfilment of the mandate of a United Nations operation who are imprisoned, missing or held in a country against their will, on new cases that have been successfully settled as they relate to the principles set out in the International Covenants on Human Rights, and on the implementation of the measures referred to in that resolution. The Commission will have before it the report of the Secretary-General (E/CN.4/2002/111).

Human rights and thematic procedures

215. In its resolution 2000/86, the Commission requested the Secretary-General:

(a) To issue annually and sufficiently early, in close collaboration with the thematic special rapporteurs, representatives, experts and working groups, their conclusions and recommendations, so as to enable further discussion of their implementation at subsequent sessions of the Commission;

(b) To present annually a list of all persons currently mandated to carry out the thematic and country procedures, including their country of origin, in an annex to the annotations to the provisional agenda of each session of the Commission.

216. At the present session, the Commission will have before it the report of the Secretary-General (E/CN.4/2002/112). Pursuant to paragraph 10 (b) of Commission resolution 2000/86, a list of all persons currently mandated to carry out the thematic and country procedures, including their country of origin, is provided in an annex to the present document.

217. In its decision 2001/116, the Commission decided to postpone consideration of the draft resolution E/CN.4/2001/L.91 entitled "Human rights and thematic procedures" and the proposed amendments thereto (E/CN.4/2001/L.104) until its fifty-eighth session.

218. In connection with the present item and with item 4 of the provisional agenda, the attention of the Commission is drawn to a note by the High Commissioner for Human Rights transmitting the report of the meeting of special rapporteurs/representatives, experts and chairpersons of working groups of the special procedures of the Commission on Human Rights and of the advisory services programme, held in Geneva from 18 to 22 June 2001 (E/CN.4/2002/14) (see also para. 16 above).

Item 19. Advisory services and technical cooperation in the field of human rights

Advisory services and technical cooperation in the field of human rights

219. In its resolution 2000/80, the Commission requested the Secretary-General to continue to provide the necessary administrative assistance for the Board of Trustees of the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights, to arrange meetings of the Board and to ensure that its conclusions were reflected in the annual report to the Commission on Human Rights on technical cooperation in the field of human rights. The Commission requested the Secretary-General to submit a further analytical report to the Commission on Human Rights at its fifty-eighth session on the progress and concrete achievements made, as well as obstacles encountered in the implementation of the programme of advisory services and technical cooperation in the field of human rights and on the operation and administration of the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights.

220. At the present session, the Commission will have before it the report of the Secretary-General (E/CN.4/2002/116).

Assistance to Somalia in the field of human rights

221. Following the resignation of Mr. Mohammed Charfi (Tunisia) at the end of 1996, Ms. Mona Rishmawi (Jordan) was appointed independent expert. After the resignation of Ms. Rishmawi in September 2000, Mr. Ghanim Alnajjar (Kuwait) was appointed independent expert in May 2001. In its resolution 2001/81, the Commission decided to extend the mandate of the independent expert on the situation of human rights in Somalia for a further year and requested the independent expert to report to the Commission on Human Rights at its fifty-eighth session. The Economic and Social Council, in its decision 2001/277, endorsed the decision of the Commission. The Commission will have before it the report of the independent expert (E/CN.4/2002/119).

Situation of human rights in Cambodia

222. In its resolution 2001/82, the Commission requested the Secretary-General to report to the Commission at its fifty-eighth session on the role and achievements of the Office of the High Commissioner for Human Rights in assisting the Government and the people of Cambodia in the promotion and protection of human rights and on the recommendations made by the Special Representative on matters within his mandate.

223. Following the resignation of Mr. Thomas Hammarberg (Sweden), Mr. Peter Leuprecht (Austria) was appointed Special Representative of the Secretary-General, in August 2000. The Commission will have before it the report of the Secretary-General (E/CN.4/2002/117) and the report of the Special Representative of the Secretary-General (E/CN.4/2002/118).

Technical cooperation and the situation of human rights in Haiti

224. On 1 March 2001, Mr. Adama Dieng (Senegal), independent expert on the situation of human rights in Haiti, presented his resignation to the Secretary-General. In the statement made on behalf of the Commission by the Chairperson of the fifty-seventh session on 25 April 2001 (E/2001/23-E/CN.4/2001/167, para. 604), the Commission requested a new independent expert to report to the General Assembly at its fifty-sixth session and to the Commission at its fifty-eighth session on developments in the situation of human rights and technical cooperation for human rights in Haiti. The Commission will have before it a note by the Secretariat in that regard (E/CN.4/2002/120).

Item 20. Rationalization of the work of the Commission

225. In its decision 1998/112, the Commission, with a view to enhancing the effectiveness of the mechanisms of the Commission, decided to appoint the Bureau to undertake a review of those mechanisms with a view to making recommendations to the Commission at its fifty-fifth session. At its fifty-fifth session, the Commission had before it the report of the Bureau at its fifty-fourth session (E/CN.4/1999/104 and Corr.1).

226. In a statement made by the Chairperson on 29 April 1999 and agreed on by consensus by the Commission (E/1999/23-E/CN.4/1999/167, para. 552), the Commission decided to establish an inter-sessional open-ended working group on enhancing the effectiveness of the mechanisms of the Commission to continue the comprehensive examination of the Bureau report as well as other contributions in this connection. At its fifty-sixth session, the Commission had before it the report of the inter-sessional working group (E/CN.4/2000/112) adopted by consensus by the working group on 11 February 2000.

227. At its fifty-sixth session, the Commission, in its decision 2000/109, decided to approve and implement comprehensively and in its entirety the report of the inter-sessional open-ended working group on enhancing the effectiveness of the mechanisms of the Commission (E/CN.4/2000/112). The Commission emphasized the importance and relevance to its work of all aspects of the report, including the general approach outlined and the specific considerations set out in the individual chapters. To facilitate the implementation of the report of the working group in its entirety, the Commission decided to transmit to the Economic and Social Council a specific draft resolution and draft decisions which required the approval of the Council. The draft resolution, entitled "Procedure for dealing with violations of human rights", was adopted by the Council as its resolution 2000/3 of 16 June 2000 (see also paras. 66-72 above). The draft decisions were endorsed by the Council in its decision 2000/284 of 28 July 2000.

Item 21. (a) Draft provisional agenda for the fifty-ninth session of the Commission

(b) Report to the Economic and Social Council on the fifty-eighth session of the Commission

Sub-item (a) Draft provisional agenda for the fifty-ninth session of the Commission

228. Rule 9 of the rules of procedure of the functional commissions of the Economic and Social Council provides that, at each session of the Commission, the Secretary-General shall submit a draft provisional agenda for the Commission's subsequent session, indicating in respect of each agenda item the documents to be submitted under that item and the legislative authority for their preparation, in order to enable the Commission to consider the documents from the point of view of their contribution to its work and of their urgency and relevance in the light of the current situation.

229. The Commission will have before it, before the conclusion of the fifty-eighth session, a note for its consideration containing a draft provisional agenda for its fifty-ninth session, together with information concerning the corresponding documentation (E/CN.4/2002/L.1).

Sub-item (b) Report to the Economic and Social Council on the fifty-eighth session of the Commission

230. Rule 37 of the rules of procedure provides that the Commission shall submit to the Council a report, which shall normally not exceed 32 pages, on the work of each session containing a concise summary of recommendations and a statement of issues requiring action by the Council. It shall as far as practicable frame its recommendations and resolutions in the form of drafts for approval by the Council.

Annex

LIST OF THEMATIC AND COUNTRY-SPECIFIC PROCEDURES AND OTHER MECHANISMS OF THE COMMISSION ON HUMAN RIGHTS (PREPARED IN ACCORDANCE WITH COMMISSION RESOLUTION 2000/86)

Country-specific procedures

Afghanistan	Mr. Kamal Hossain (Bangladesh)	Special Rapporteur
Bosnia and Herzegovina and the Federal Republic of Yugoslavia	Mr. José Cutileiro (Portugal)	Special Representative
Burundi	Ms. Marie-Thérèse Kéita-Bocoum (Côte d'Ivoire)	Special Rapporteur
Democratic Republic of the Congo	Ms. Iulia-Antoanella Motoc (Romania)	Special Rapporteur
Equatorial Guinea	Mr. Gustavo Gallón (Colombia)	Special Representative
Iraq	Mr. Andreas Mavrommatis (Cyprus)	Special Rapporteur
Iran (Islamic Republic of)	Mr. Maurice Copithorne (Canada)	Special Representative
Myanmar	Mr. Paulo Sérgio Pinheiro (Brazil)	Special Rapporteur
Palestinian territories occupied since 1967	Mr. John Dugard (South Africa)	Special Rapporteur
Sudan	Mr. Gerhart Baum (Germany)	Special Rapporteur

Thematic procedures

Adequate housing	Mr. Miloon Kothari (India)	Special Rapporteur
Contemporary forms of racism, racial discrimination, xenophobia and related intolerance	Mr. Maurice Glèlè-Ahanhanzo (Benin)	Special Rapporteur
Draft optional protocol to the International Covenant on Economic, Social and Cultural Rights	Mr. Hatem Kotrane (Tunisia)	Independent expert
Education	Ms. Katarina Tomasevski (Croatia)	Special Rapporteur

Extrajudicial, summary or arbitrary executions	Ms. Asma Jahangir (Pakistan)	Special Rapporteur
Extreme poverty	Ms. Anne-Marie Lizin (Belgium)	Independent expert
Freedom of opinion and expression	Mr. Abid Hussain (India)	Special Rapporteur
Freedom of religion or belief	Mr. Abdelfattah Amor (Tunisia)	Special Rapporteur
Human rights and fundamental freedoms of indigenous people	Mr. Rodolfo Stavenhagen (Mexico)	Special Rapporteur
Human rights defenders	Ms. Hina Jilani (Pakistan)	Special Representative of the Secretary-General
Human rights of migrants	Ms. Gabriela Rodríguez Pizarro (Costa Rica)	Special Rapporteur
Illicit movement and dumping of toxic waste	Ms. Fatma Zohra Ouhachi Vesely (Algeria)	Special Rapporteur
Independence of judges and lawyers	Mr. Param Cumaraswamy (Malaysia)	Special Rapporteur
Internally displaced persons	Mr. Francis Deng (Sudan)	Representative of the Secretary-General
Mercenaries	Mr. Enrique Bernales Ballesteros (Peru)	Special Rapporteur
Protection of persons from enforced or involuntary disappearance	Mr. Manfred Nowak (Austria)	Independent expert
Right to development	Mr. Arjun Sengupta (India)	Independent expert
Right to food	Mr. Jean Ziegler (Switzerland)	Special Rapporteur
Sale of children, child prostitution and child pornography	Mr. Juan Miguel Petit (Uruguay)	Special Rapporteur
Structural adjustment policies and foreign debt	Mr. Bernards Andrew Nyamwaya Mudho (Kenya)	Independent expert
Torture and other cruel, inhuman or degrading treatment or punishment	Mr. Theo C. van Boven (Netherlands)	Special Rapporteur
Violence against women, its causes and consequences	Ms. Radhika Coomaraswamy (Sri Lanka)	Special Rapporteur

Working Group on Arbitrary Detention	Mr. Louis Joinet (France)	Chairperson
Working Group on Enforced or Involuntary Disappearances	Mr. Diego García-Sayán (Peru)	Chairperson
Technical cooperation programme		
Cambodia	Mr. Peter Leuprecht (Austria)	Special Representative of the Secretary-General
Haiti	To be appointed	Independent expert
Somalia	Mr. Ghanim Alnajjar (Kuwait)	Independent expert